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THE WRITINGS

OF

SAMUEL ADAMS

VOLUME II.

1770–1773

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G. P. Putnam's Sons

January, 1909

THE WRITINGS

OF

SAMUEL ADAMS

COLLECTED AND EDITED

BY

HARRY ALONZO CUSHING

VOLUME II

1770–1773

G. P. PUTNAM'S SONS

NEW YORK
27 WEST TWENTY-THIRD STREET

LONDON
24 BEDFORD STREET, STRAND

The Knickerbocker Press

1906

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G. P. Putnam's Sons

The Knickerbocker Press, New York

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THE WRITINGS OF

SAMUEL ADAMS.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, January 8, 1770.]

—"AND the Governor for the time being shall have full power and authority from time to time as he shall judge necessary, to adjourn, prorogue and dissolve all Great and General Courts or Assemblies met and conven'd as aforesaid."—[1]

THE power delegated by this clause to the Governor was undoubtedly intended in favor of the people—The necessity and importance of a legislative in being, and of its having the opportunity of exerting itself upon all proper occasions, must be obvious to a man of common discernment. Its grand object is the REDRESS of GRIEVANCES: And for this purpose it is adjudg'd that parliaments ought to be held frequently—The people may be aggriev'd for the want of having a good law made, as well as repealing a bad one: So they may be, by the mal conduct of the executive in its manner of administring justice wrongfully under colour of law. In all these cases and many

[1] B. P. Poore, *The Federal and State Constitutions*, 1878, vol. i., p. 949.

others, the necessity of the frequent interposition of the legislative evidently appears. And if either of them, much more, if all of them should at any time be justly complain'd of by the people, the adjourning, proroguing or dissolving the legislative, at such a juncture, must be the greatest of all grievances—There may be other reasons for the sitting of an American assembly besides the correcting any disorders arising from among the people within its own jurisdiction.—Some of the Acts of the British parliament are generally thought to be grievous in their operation, and dangerous in their consequences to the liberties of the American subjects: An American legislative therefore, in which the whole body of the people is represented, ought certainly to have the opportunity of explaining and remonstrating their grievances to the British parliament, and the full exercise of that invaluable and *uncontroulable* Right of the subject *to petition the King*, as often as they judge necessary, 'till they are removed. To postpone a meeting of this universal body of the people till it is too late to make such application must be a frustration of one grand design of its existance; and it naturally tends to other arbitrary exertions.—I have often tho't that in former administrations such delays to call the general assembly, were intended for the purpose above-mentioned: And if others should have the same apprehension at present I cannot help it, nor am I answerable for it. It may not be amiss however for every man to make it a subject of his contemplation. We all remember that no longer ago than the last year, the extraordinary dis-

solution by Governor Bernard, in which he declared he was merely ministerial, produced another assembly, which tho' legal in all its proceedings, awaked an attention in the very soul of the British empire.

It is not to be expected that in ordinary times, much less at such an *important* period as this is, any man, tho' endowed with the wisdom of Solomon, at the distance of three thousand miles, can be an adequate judge of the expediency of proroguing, and in effect even putting an end to an American legislative assembly; and more especially at a time when the evil spirit of Misrepresentation is become so atrocious, that even M. . .y itself is liable to be wrongly informed!—It is for this reason that the delegation of this power to the governor for the time being, appears to be intended in favor of the people: That there might be always at the head of the province, and resident therein, as the charter provides, a person of untainted integrity, candor, impartiality and wisdom, to judge of and determine so essential a point—A point, in which I should think, no person who justly deserves this character, can be passive or merely ministerial, against his own judgment and conscience. Whenever therefore a Governor for the time being, adjourns, prorogues or dissolves the general assembly, having the full power and authority delegated to him of judging from time to time of the *Necessity* of it, we ought to presume that he exercises that power with freedom: That he determines according to the light of his own understanding, and not anothers: That he clearly sees that it will answer those purposes which he himself judges to be best; having, as a man

of fidelity in his station ought, thoro'ly revolv'd the matter in his own mind: And, that however flattering the concurrent sentiments of *any other* man may be, he would have been impelled to do it, from the dictates of his own judgment, resulting from his own contemplation of the matter, if he had not received the "express command of his superior." Such a man "will bravely act his mind, and venture—Death."

VINDEX.

ARTICLE SIGNED "DETERMINATUS."

[*Boston Gazette*, January 8, 1770.]

To the Printers.

The agreement of the Merchants of this distressed and insulted continent, to with hold importations from Great Britain, it seems to be allowed on all sides, has the strongest tendency towards the repeal of the acts of parliament for raising a revenue in America without our consent. It is no wonder then, that it was oppos'd with so much vehemence at first, by the Cabal; who knew full well, that their Places and their Pensions, and all the delectable profits which they expected to reap, and are now actually reaping, at the expence of the people in town and country, would entirely cease, if these acts, by the means of which their places, pensions and profits arise should be repealed—When they could no longer with any face call it the last efforts of a dying faction, (for the measure was so rational and pacific, that it soon spread far and wide, and was chearfully adopted by

all disinterested friends of the country thro'-out the continent) they put on the appearance of the Sons of Liberty; and now their cry is, Where is that Liberty so much boasted of and contended for? We hear them very gravely asking, Have we not a right to carry on our own trade and sell our own goods if we please? who shall hinder us? This is now the language of those who had before seen the ax laid at the very root of *all* our *Rights* with apparent *complacency*, —And pray gentlemen, Have you not a right if you please, to set fire to your own houses, because they are your own, tho' in all probability it will destroy a whole neighbourhood, perhaps a whole city! Where did you learn that in a state or society you had a right to do as you please? And that it was an infringement of that right to restrain you? This is a refinement which I dare say, the true sons of liberty despise. Be pleased to be informed that you are bound to conduct yourselves as the Society with which you are joined, are pleased to have you conduct, or if you please, you may leave it. It is true the will and pleasure of the society is generally declared in its laws: But there may be exceptions, and the present case is without doubt one.—Suppose there was no law of the society to restrain you from murdering your own father, what think you? If either of you should please to take it into your head to perpetrate such a villainous act, so abhorrent to the will of the society, would you not be restrained? And is the *Liberty of your Country* of less importance than the life of your father! But what is most astonishing is, that some two or three persons of very little con-

sequence in themselves, have Dared openly to give out that *They Will* vend the goods they have imported, tho' they have *Solemnly pledg'd Their Faith* to the body of merchants, that they should remain in store 'till a general importation should take place! Where then is the honor! where is the shame of these persons, who can look into the faces of those very men with whom they have contracted, & tell them Without Blushing that they are resolved to Violate the contract! Is it avarice? Is it obstinacy, perverseness, pride, or from what root of bitterness does such an unaccountable defection from the laws of honor, honesty, and even humanity spring? Is it the *Authority Of An Unnatural Parent*—the advice of some false friend, or their own want of common understanding, and the first principles of virtue, by which these unhappy young persons have been induced, or left to resolve upon perpetrating that, at the very tho't of which they should have shudder'd! By this resolution they have already disgrac'd themselves; if they have the *Hardiness* to put the resolution into practice, who will ever hereafter confide in them? Can they promise themselves the regards of the respectable body of merchants whom they have affronted? or can they even wish for the esteem of their country which they have basely deserted, or worse, which they have attempted to wound in the very heart.—If they imagine they can still weary the patience of an injured country with impunity.—If—I will not utter it—would not the grateful remembrance of unmerited kindness and *Generosity*, if there was the least spark of ingenuity left, have Influenced to a

far different resolution!—If this agreement of the merchants is of that consequence to *All America* which our brethren in *All* the other governments, and in Great-Britain *Itself* think it to be—If the fate of *Unborn Millions* is suspended upon it, verily it behooves, not the merchants *Only*, but every individual of *Every* class in *City* and *Country* to aid and support them and *Peremptorily To Insist* upon its being *Strictly* adhered to.

DETERMINATUS.

THE TOWN OF BOSTON TO THE LIEUTENANT-GOVERNOR OF MASSACHUSETTS.[1]

[MS., Office of the City Clerk of Boston.]

To his Honor the Lieutenant Governor in Council

The Memorial of the Town of Boston legally assembled in Faneuil Hall Monday March 19 1770

Humbly shews

That with deep Concern they are made to understand that thro the Providence of God diverse of his Majestys Justices of the Superior Court are renderd unable to attend the Duties of their important Trust by bodily Indisposition.

[1] Samuel Adams, John Hancock, and John Barret were on March 19, 1770, appointed by the Boston town-meeting "a Committee to draw up a Memorial to the Lieuvetenant Governor and Council praying that special Justices may be appointed for the Superior Court now sitting in the room of those who may be necessarily prevented by sickness from attending their duty; that so the Tryals of the many Criminals now committed may not be postponed. . . ." At the same session the committee reported a draft, which was accepted.—*Boston Record Commissioners' Report*, vol. xviii., p. 15.

That there are a great Number of Prisoners now in his Majestys Gaol in the County of Suffolk, of whom fifteen are confind for Tryal for capital offences.

That the Sherriff of said County has been under Apprehension of the Escape of said Prisoners as appears by his Letter to the Town hereto annexd to be laid before your honor.

That there are a great Number of Witnesses in the Cases of the late Trajical Murder in Boston many of whom are Seamen & detaind to their very great Disadvantage & possibly some of them may be under Temptation to absent themselves from the Tryal.

All which the Town beg leave humbly to represent to your honor as cogent Reasons for the Tryal of the said Prisoners as early as possible in the present Term.

Wherefore your Memorialists humbly pray your Honor to appoint special Justices in the Room of those taken off as aforesaid,[1] in order for the Tryal of the said Prisoners, or otherwise that your Honor w[d] take such Steps to prevent the Delay of Justice at this important Crisis as in your Wisdom shall seem meet.

And as in Duty bound your Mem[rs] shall ever pray.

Signd in Behalf of the Town at the Meeting aforesaid.

[1] At this point the words "whom the Town reverence & esteem" were stricken from the original draft.

TO JOHN HANCOCK.

[MS., Samuel Adams Papers, Lenox Library; a text with slight variations is in W. V. Wells *Life of Samuel Adams*, vol. i., p. 343.]

BOSTON May 11 1770

DEAR S^R^

Your Resolution yesterday to resign your seat gave me very great Uneasiness. I could not think you had sufficient Ground to deprive the Town of one whom I have a Right to say is a most valueable Member, since you had within three of the unanimous Suffrages of your Fellow Citizens, & one of the negative Votes was your own.[1] You say you have been spoken ill of. What then? Can you think that while you are a good Man that *all* will speak well of you—If you knew the person who has defamd you nothing is more likely than that you would justly value your self upon *that mans* Censure as being the highest Applause. Those who were fond of continuing Mr Otis on the Seat, were I dare say to a Man among your warmest friends: Will you then add to their Disappointment by a Resignation, merely because one contemptible person, who perhaps was hired for the purpose, has blessd you with his *reviling*— Need I add more than to intreat it as a favor that you would alter your Design.

I am with strict truth

Your affectionate friend & Brother.

[1] At the Boston town-meeting on May 8, 1770, Hancock received, as a candidate for representative, 511 out of 513 votes.

On June 13, 1770, William Palfrey, acting for Hancock, wrote to Haley and Hopkins: "The removal of the General Court to Cambridge obliges Mr. Hancock to be often there." *John Hancock. His Book*, by A. E. Brown, p. 167.

A COMMITTEE OF THE TOWN OF BOSTON TO BENJAMIN FRANKLIN.

[MS., Collections of the Massachusetts Historical Society; an incomplete draft is in the Samuel Adams Papers, Lenox Library; the latter text only is in the handwriting of Adams.]

BOSTON July 13th: 1770

SIR,

It affords very great Satisfaction to the Town of Boston to find that the Narrative of the horrid massacre perpetrated here on the 5th of March last which was transmitted to London,[1] has had the desired effect; by establishing truth in the minds of honest men, and in some measure preventing the Odium being cast on the Inhabitants, as the aggressors in it. We were very apprehensive that all attempts would be made to gain this Advantage against us: and as there is no occasion to think that the malice of our Enemies is in the least degree abated, it has been thought necessary that our friends on your side the Water, should have a true state of the Circumstances of the Town and of everything which has materially occurred, since the removal of the Troops to the

[1] Under date of March 23, 1770, James Bowdoin, Samuel Pemberton and Joseph Warren, as a committee of the town of Boston, wrote to Lord Dartmouth, enclosing a narrative of the events of March 5 and a certified copy of the vote of town, on March 22, directing them to transmit the printed narrative. The original letter is No. 320 of Lord Dartmouth's American MSS., at Patshull House. The text of the same letter, which was addressed to the Duke of Richmond and others, is in *A Short Narrative of the Horrid Massacre in Boston*, New York, 1849. (This is reprinted, with notes by John Doggett, Jr., from a copy of the original edition of 1770, in the library of the New York Historical Society. Another reprint, with notes by Frederic Kidder, was published at Albany, 1870.) The *Additional Observations to a Short Narrative*, 1770, are reprinted by Doggett, pp. 109–117. *Cf.*, *Proceedings* of Colonial Society of Massachusetts, April 1900, pp. 13–21.

Castle. For this purpose we are appointed a Committee :[1] But the time will not admit of our writing so fully by this Conveyance, as we intend by the next, in the mean time we intreat your further friendship for the Town, in your Endeavours to get the Judgment of the Public suspended, upon any representation that may have been made by the Commissioners of the Customs and others, until the Town can have the Opportunity of knowing what is alleged against it, and of answering for itself. We must confess that we are astonished to hear that the Parliament had come to a determination, to admit Garbled extracts from such Letters as may be received from America by Administration and to Conceal the Names of the Persons who may be the Writers of them. This will certainly give great Encouragement to Persons of wicked Intentions to abuse the Nations & injure the Colonies in the grossest manner with Impunity, or even without detection. For a Confirmation hereof we need to recur no further back than a few months, when undoubtedly the Accounts and Letters carried by Mr. Rob[in]son would have been attended with very unhappy if not fatal effects, had not this Town been so attentive as to have Contradicted those false accounts by the depositions of many credible persons under Oath. But it cannot be supposed that a Community will be so Attentive but upon the most Alarming Events: In general Individuals are following their private concerns, while it is to be feared the

[1] The town of Boston, on July 10, 1770, appointed a committee of nine, including Adams, Hancock, Dana, Cushing and Joseph Warren, to prepare a "true state" of the town and of the acts of the commissioners since March 5.

restless Adversaries are forming the most dangerous Plans for the Ruin of the Reputation of the People, in order to build their own Greatness on the Distruction of their liberties. This Game they have been long playing; and tho' in some few instances they have had a loosing hand, yet they have commonly managed with such Art, that they have so far succeeded in their Malicious designs as to involve the Nation and the Colonies in Confusion and distress. This it is presumed they never could have accomplished had not these very letters been kept from the view of the Public, with a design perhaps to conceal the falsehood of them the discovery of which would have prevented their having any mischievous effects. This is the Game which we have reason to believe they are now playing; With so much Secrecy as may render it impossible for us fully to detect them on this Side of the Water; How deplorable then must be our Condition, if ample Credit is to be given to their Testimonies against us, by the Government at home, and if the Names of our Accusers are to be kept a profound Secret, and the World is to see only such parts or parcells of their Representations as Persons, who perhaps may be interested in their favor, shall think proper to hold up—Such a Conduct, if allowed, seems to put it into the Power of a Combination of a few designing Men to deceive a Nation to its Ruin. The measures which have been taken in Consequence of Intelligence Managed with such secrecy, have already to a very great degree lessened that Mutual Confidence which had ever Subsisted between the Mother Country and the Colonies, and must in the

Natural Course of things totally alienate their Affections towards each other and consequently weaken, and in the End destroy the power of the Empire. It is in this extended View of things that our minds are affected—It is from these Apprehensions that we earnestly wish that all communication between the two Countries of a public nature may be unvailed before the public : with the names of the persons who are concerned therein, then and not till then will American affairs be under the direction of honest men, who are never afraid or ashamed of the light. And as we have abundent reason to be jealous that the most mischievous and virulent accounts have been very lately sent to Administration from Castle William where the Commissioners have again retreated for no reason that we can conceive but after their former manner to misrepresent and injure this Town and Province,—we earnestly intreat that you would use your utmost influence to have an Order passed that *the whole* of the packetts sent by the Commissioners of the Customs and others under the care of one Mr Bacon late an officer of the Customs in Virginia, who took his passage the last week in the Brigantine Lydia Joseph Wood Commander may be laid before his Majesty in Council—

If the Writers of those Letters shall appear to be innocent, no harm can possibly arise from such a measure; if otherwise, it may be the means of exploring the true Cause of the National and Collonial Malady, and of affording an easy remedy, and therefore the measure must be justified & applauded by all the World.

We have observed in the English Papers, the most notorious falsehoods published with an apparent design to give the World a prejudice against this Town, as the Aggressors in the unhappy Transaction of the 5th of March, but no account has been more repugnant to the truth, than a paper printed in the public Advertiser[1] of the 28th of April which is called *The case of Capt. Preston.* As a Committee of this Town we thought ourselves bound in faithfulness to wait on Capt Preston to enquire of him whether he was the Author—he frankly told us that he had drawn a state of his case, but that it had passed thro different hands and was altered at different times, and finally the Publication in the Advertiser was varied from that which he sent home as his own; we then desired him to let us know whether several parts which we might point to him and to which we took exception were his own, but he declined Satisfying us herein, saying that the alterations were made by Persons who he supposed might aim at serving him, though he feared they might have a Contrary effect, and that his discriminating to us the parts of it which were his own from those which had been altered by others might displease his friends at a time when he might stand in need of their essential Service; this was the Substance of the Conversation between us, whereupon we retired and wrote to Capt Preston a Letter the Copy of which is now inclosed.[2]

The next day not receiving an answer from Capt.

[1] Published in London. The "Case" was also printed in the *Annual Register*, 1771. *Cf.*, *Boston Gazette*, June 25, 1770.

[2] Under date of July 11, 1770. A copy is in S. A. Wells, *Samuel Adams and the American Revolution*, vol. i., pp. 230–232.

Preston at the time we proposed, we sent him a message desiring to be informed whether we might expect his answer to which he replied by a Verbal Message as ours was that he had nothing further to add to what he had said to us the day before, as you 'l please to observe by the inclosed Certificate—

As therefore Cap[t] Preston has utterly declined to make good the charges against the Town in the Paper called his case or to let us know to whom we may apply as the Author or Authors of those parts which he might have disclaimed, and especially as the whole of his case thus stated directly militates not only with his own Letter published under his hand in the Boston Gazette, but with the depositions of others annexed to our Narrative which were taken, not behind the Curtain as some may have been, but openly and fairly, after notifying the Parties interested, and before Magistrates to whose credit the Governor of the Province has given his full attestation under the Province Seal, we cannot think that the Paper called the Case of *Capt. Thomas Preston*, or any other Paper of the like import can be deemed in the opinion of the sensible and impartial part of mankind as sufficient, in the least degree to prejudice the Character of the Town. It is therefore altogether needless for us to point out the many falsehoods contained in this Paper; nor indeed would there be time for it at present for the reason above mentioned—We cannot however omit taking notice of the artifice made use of by those who drew up the statement, in insinuating that it was the design of the People to plunder the King's Chest, and for the more easily effecting that

to murder the Centinel posted at the Custom House where the money was lodged. This intelligence is said to have been brought to Cap[t] Preston by a Townsman, who assured him *that he heard the mob declare* they would murder the Centinel.—The townsman probably was one Greenwood a Servant to the Commissioners whose deposition Number 96.[1] is inserted among others in the Narrative of the Town and of whom it is observed in a Marginal Note, that: "Through the whole of his examination he was so inconsistent, and so frequently contradicted himself, that all present were convinced that no credit ought to be given to his deposition, for which reason it would not have been inserted had it not been known that a deposition was taken relating to this affair, from this Greenwood by Justice Murray and carried home by Mr. Robinson," and further "this deponent is the only person, out of a great number of Witnesses examined, who heard anything mentioned of the Custom House." Whether this part of the Case of Cap[t] Preston was inserted by himself or some other person we are not told. It is very much to be questioned whether the information was given by any other than Greenwood himself, and the *sort of Character* which he bears is so well known to the Commissioners and their Connections some of whom probably assisted Cap[t] Preston in stating his Case, as to have made them ashamed if they regarded the truth, to have given the least credit to what he said.—Whoever may have helped them to this intelligence, we will

[1] The affidavit of Thomas Greenwood, sworn to March 24, 1770, is printed in Doggett's edition of the *Short Narrative*, pp. 101–103.

venture to say, that it never has been and never can be supported by the Testimony of any Man of a tolerable reputation. We shall only observe upon this occasion, how inveterate our Enemies here are, who, rather than omit what they might think a lucky opportunity of Slandering the Town, have wrought up a Narrative not only unsupported by, but contrary to the clearest evidence of facts and have even prevailed upon an unhappy Man under pretence of friendship to him, to adopt it as his own: Though they must have known with a common share of understanding, that it's being published to the world *as his own* must have injured him, under his present Circumstances, in the most tender point, and so shocked was Capt Preston himself, at its appearing in the light on this side the Water, that he was immediately apprehensive so glaring a falsehood would raise the indignation of a people to such a pitch as to prompt them to some attempts that would be dangerous to him, and he accordingly applyed to Mr Sheriff Greenleaf for special protection on that account: But the Sheriff assuring him that there was no such disposition appearing among the People (which is an undoubted truth) Capt Preston's fears at length subsided: and he still remains in safe custody, to be tried by the Superior Court of Judicature, at the next term in August; unless the Judges shall think proper further to postpone the Trial, as they have done for one whole term, since he was indicted by the Grand Jury.

Before we conclude it may not be improper to observe that the removal of the troops was in the

Slowest order, insomuch that eleven days were spent in carrying the two Regiments to Castle Island, which had before landed in the Town in less than forty eight hours; yet in all this time, while the number of the Troops was daily lessening, not the least disorder was made by the inhabitants, tho' filled with a just indignation and horror at the blood of their fellow Citizens, so inhumanely spilt! And since their removal the Common Soldiers, have frequently and even daily come up to the Town for necessary provisions, and some of the officers, as well as several of the families of the soldiers have resided in the Town and done business therein without the least Molestation; yet so hardy have our Enemies been as to report in London that the enraged populace had hanged up Capt Preston.

The strange and irreconcileable conduct of the Commissioners of the Customs since the 5th of March—their applying for leave to retire to the Castle as early as the tenth, and spending their time in making excursions into the Country 'till the 20th of June following, together with other material Circumstances, are the subject of our present enquiry; the result of which you will be made acquainted with by the next conveyance. In the mean time we remain with strict truth.—

Sir

Your much obliged
and most Obedient Servants

THOMAS CUSHING,
RI DANA,
SAM^{L} ADAMS,
JOHN HANCOCK,
W^{M} PHILLIPS,
W^{M} MOLINEUX,
EBENEZER STORER,
W^{M} GREENLEAF.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE LIEUTENANT-GOVERNOR.

[MS., Boston Public Library; a text, with many modifications of detail, is in *Massachusetts State Papers*, pp. 240–248; it was also printed in the *Boston Gazette*, August 6, 1770.]

In the House of Representatives August the 3 1770

Orderd that Mr Hancock Cap Thayer Mr Pickerin Cap Fuller and Cap Sumner carry up to the Hon^bl^ Board the following Answer of this House to his Honors Speech to both Houses at the opening of this Session

THOMAS CUSHING Spk^r^

[1] May it please your Honor

The House of Representatives, having duly attended to your Speech[2] to both Houses at the Opening of this Session, and maturely considerd the several parts of it, have unanimously, in a full House determind to adhere to their former Resolution "that it is by no means expedient to proceed to Business, while the General Assembly is thus constraind to hold the Session out of the Town of Boston." Upon a Recollection of the Reasons we have before given for this measure, we conceive it will appear to all the World, that neither the good People of this Province, nor the House of Representatives can be justly chargd with any ill Consequences that may follow it. After the most repeated & attentive Examination of your Speech, we find Nothing to induce

[1] From this point the manuscript is wholly in the handwriting of Adams.

[2] *Massachusetts State Papers*, pp. 237–240.

us to alter our Opinion, and very little that is new & material in the Controversy: But as we perceive it is publishd, it may possibly be read by some who have never seen the Reasons of the House; and as there are specious things containd in it, which may have a Tendency to make an unhappy Impression on some minds, we have thought proper to make a few Observations upon it.

You are pleasd to say, "you meet us at Cambridge, because you have no Reason to think there has been any Alteration in his Majestys Pleasure, which you doubt not was determind by wise motives, & with a gracious Purpose to promote the Good of the province." We presume not to call in Question the Wisdom of our Sovereign or the Rectitude of his Intentions: But there have been Times, when a corrupt and profligate Administration have venturd upon such Measures, as have had a direct Tendency, to ruin the Interest of the People as well as that of their Royal Master.

This House have great Reason to doubt, whether it is, or ever was his Majestys Pleasure that your Honor should meet the Assembly at Cambridge, or that he has ever taken the matter under his Royal Consideration: Because, the common and the best Evidence in such Cases, is not communicated to us.

It is needless for us to add any thing to what has been heretofore said, upon the Illegality of holding the Court any where except in the Town of Boston: For admitting the Power to be in the Governor to hold the Court in any other place when the publick Good *requires* it; yet, it by no means follows that he

has a Right to call it at any other place, when it is to the manifest Injury & Detriment of the Publick.

The Opinion of the Attourny and Solicitor General has very little Weight with this House in any Case, any farther than the Reasons which they expressly give are convincing. This Province has sufferd so much by unjust, groundless & illegal Opinions of those officers of the Crown, that our Veneration or Reverence for their Opinions is much abated. We utterly deny that the Attourny & Solicitor General have any Authority or Jurisdiction over us; any Right to decide Questions in Controversy, between the several Branches of the Legislature here: Nor do we concede, that even his Majesty in Council has any Constitutional Authority to decide such Questions, or any other Controversy whatever that arises in this Province, excepting only such Matters as are reservd in the Charter. It seems a great Absurdity, that when a Dispute arises between the Governor and the House, the Governor should appeal to his Majesty in Council to decide it. Would it not be as reasonable for the House to appeal to the Body of their Constituents to decide it? Whenever a Dispute has arisen within the Realm, between the Crown & the two Houses of Parliament, or either of them, was it ever imagind that the King in his privy Council had Authority to decide it? However there is a Test, a Standard common to all, we mean the publick Good. But your Honor must be very sensible that the Illegality of holding the Court in any other place besides the Town of Boston is far from being the only Dispute between your Honor & this House: we

contend, that the People & their Representatives have a Right to withstand the abusive Exercise of a legal & constitutional Prerogative of the Crown. We beg Leave to recite to your Honor what the Great Mr Locke has advancd in his Treatise of civil Government, upon the like Prerogative of the Crown. "The old Question, says he, will be asked in this matter of Prerogative, who shall be Judge when this Power is made a right Use of?" And he answers, "Between an executive Power in being with such a Prerogative, and a Legislative that depends upon his Will for their convening, there can be no Judge on Earth, as there can be none between the Legislative & the People, should either the Executive or Legislative when they have got the Power in their Hands, design or go about to enslave or destroy them. The People have no other Remedy in this, as in all other Cases, where they have no Judge on Earth, but to appeal to Heaven. For the Rulers, in such Attempts, exercising a Power the People never put into their Hands (who can never be supposd to consent that any Body should rule over them for their Harm) do that which they have not a Right to do. And when the Body of the People or any single Man is deprivd of their Right, or under the Exercise of a Power without Right, and have no Appeal on Earth, then they have a Liberty to appeal to Heaven whenever they judge the Cause of sufficient moment. And therefore, tho the People cannot be judge, so as to have by the Constitution of that Society any superior Power to determine and give effective Sentence in the Case; yet they have by a Law antecedent & paramount to all positive Laws of Men, reservd that ulti-

mate Determination to themselves which belongs to all Mankind where there lies no Appeal on Earth viz to judge whether they have just Cause to make their Appeal to Heaven." We would however, by no means be understood to suggest that this People have Occasion at present to proceed to such Extremity.

Your Honor is pleasd to say, "that the House of Representatives in the year 1728. did not think the Form of the Writ, sufficient to justify them in refusing to do Business at Salem"; It is true they did not by any Vote or Resolve determine not to do Business yet the House, as we read in your Honors History, "met and adjournd from Day to Day without doing Business";[1] and we find by the Records, that from the 31 of October 1728 to the 14th of December following the House did meet and adjourn without doing Business; And then they voted to proceed to the publick & necessary Affairs of the province "provided no Advantage be had or made, for and by Reason of the aforesaid Removal (meaning the Removal to Salem) or pleaded as a precedent for the future". Yet your Honor has been pleasd to quote the Conduct of that very House, as a precedent for *our* Imitation. We apprehend their proceeding to Business, & the Consequences of it viz, the Encouragement it gave to Governor Burnet to go on with his Design of harrassing them into unconstitutional Compliances, and the Use your Honor now makes of it as an Authority and a Precedent, ought to be a Warning to this House to make a determind

[1] Inaccurately quoted from T. Hutchinson, *History of the Province of Massachusetts Bay*, vol. ii., p. 317.

& effectual Stand. Their Example, tho respectable, is not obligatory upon this House.—They lived in times, when the Encroachments of Despotism were in their Infancy.—They were carried to Salem, by the mere Caprice of Governor Burnet, who never pleaded an Instruction for doing this—An Instruction from a Ministry who had before treated them with unexampled Indignity—An Instruction which they were not *permitted* to see. They had no Reason to apprehend a fixd Design to alter the Seat of Government, to their great Inconvenience and the manifest Injury of the Province.

We are not disposd to dispute the Understanding, Integrity, Familys & Estates of the Council in 1728. We believe them to have been such, that if they were now upon the Stage, they would see so many additional & more weighty Reasons against proceeding to Business out of Boston, that they would fully approve of the Resolution of this House; as well as of what has been lately advancd by their Successors, who are also Gentlemen of Understanding, Integrity, Fortune and Family, in the following Words; "Governor Burnets Conduct in convening the General Court out of Boston, cannot be deemd an acknowlegd or constitutional Precedent, because, it was not founded on the only Reason on which the Prerogative of the Crown can be justly founded, The Good of the Community." We shall only add, that the Rights of the province having been of late years most severely attackd, has induced Gentlemen to examine the Constitution more thorowly, & has increasd their Zeal in its Defence.

You are pleasd to adduce an Instance in 1754 in Addition to that in 1747, which you say "makes it probable, that the House of Representatives rather chose that the Court should sit elsewhere, when a Comittee was chosen to consider of and report a proper place for a Court House at a Distance from Boston". We beg Leave here to observe, that both these are Instances of the House's interresting themselves in this Affair, which your Honor now claims as a Prerogative: If the House were in no Case to have a Voice, or be regarded, in chusing a place to hold the Court, how could they think of building a House in a place, to which they never had been, and probably, never would be called.—

While the House have been from time to time, holding up to View, the great Inconveniencys and manifest Injurys resulting from the Sitting of the Assembly at Cambridge, and praying a Removal to Boston, it is with Pain that they have heard your Honor, instead of pointing out any one good Purpose which can be answerd by it, replying that your *Instructions* will not permit you to remove the Court to Boston. By a royal Grant in the Charter, in favor of the Commons of this province, the Governor has the sole power of adjourning, proroguing and dissolving the General Court: And the Wisdom of that Grant appears in this, that a person residing in the province, must be a more competent Judge, of the Fitness of the Time, and we many add, the place of holding the Court, than any person residing in Great Britain. We do not deny, that there may be Instances when the Comander in Chiefe, ought to obey

the Royal Instructions: And should we also admit, that in ordinary Cases he ought to obey them, respecting the convening, holding, proroguing, adjourning & dissolving the General Court, notwithstanding that Grant; yet we clearly hold, that whenever Instructions cannot be complyd with, without injuring the people, they cease to be binding. Any other Supposition would involve this Absurdity in it, that a Substitute by Means of Instructions from his Principal, may have a greater Power than the Principal himself; or in other Words, that a Representative of a King who can do no Wrong, by means of Instructions may obtain a Right to do Wrong: for that the Prerogative extends not to do any Injury, never has and never can be denyd. Therefore this House are clearly of Opinion, that your Honor is under no Obligation to hold the General Court at Cambridge, let your Instructions be conceivd in Terms ever so peremptory, in as much as it is inconvenient and injurious to the province.—As to your Commission, it is certain, that no Clause containd in that, inconsistent with the Charter can be binding: To suppose, that when a Grant is made by Charter in favor of the people, Instructions shall supercede that Grant, and oblige the Governor to act repugnant to it, is vacating the Charter at once, by the Breath of a Minister of State. Your Honor thinks you may *safely* say, "there is not one of us, who if he was in your Station, would venture to depart from the Instructions." As you had not the least Shadow of Evidence to warrant this, we are sure you could not say it with Safety: And we leave it with your Honor to deter-

mine, how far it is reconcileable with *Delicacy* to suggest it. In what particulars the holding the General Court at Cambridge is injurious to us and the Province, has already been declared by the House, and must be too obvious to escape your Honors Observation. Yet you are pleasd to tell us, that "the Inconveniences can easily be removd, or are so inconsiderable that a very small publick Benefit will outweigh them"—That they are not inconsiderable, every Days Experience convinces us; nor are our Constituents insensible of them: But how they can be easily removd, we cannot conceive, unless by removing the Court to Boston. Can the publick Offices & Records, to which we are under the Necessity of recurring, almost every Hour, with any Safety or Convenience to the publick be removd to Cambridge? Will our Constituents consent to be at the Expence of erecting a proper House at Cambridge, for accommodating the General Court, especially when they have no Assurance that the next Freak of a capricious Minister will not remove the Court to some other place? Is it possible to have that Communication with our Constituents, or to be benefited by the Reasonings of the people without Doors here, as at Boston? We cannot but flatter ourselves, that every judicious and impartial Person will allow, that the holding the General Court at Cambridge, is inconvenient and hurtful to the Province; Nor has your Honor ever yet attempted to show a single Instance, in which the province can be benefited by it: No good purpose which can be answerd by it, has ever yet been suggested by any

one to this House. And we have the utmost Confidence, that our gracious Sovereign, has no Desire to hold the General Court at any place inconvenient to its Members, or injurious to the province; but rather, that he will frown upon those, who have procurd its Removal to such a place, or persist in holding it there.

We are not indeed sure, that the Ministry caused the Assembly to be removd to Cambridge, in order to worry them into a Compliance with any arbitrary Mandate, to the Ruin of our own or our Constituents Libertys: But we know, that the General Assembly has in Times past been treated with such Indignity and Abuse, by the Servants of the Crown, and a wicked Ministry may attempt it again.

Your Honor observes, that "the same Exception may be made to the Use of every other part of the prerogative, for every part is capable of Abuse." We shall never except to the proper Use of the prerogative: We hold it sacred as the Liberty of the Subject. But every Abuse of it, will always be excepted to, so long as the Love of Liberty, or any publick Virtue remains. And whenever any other part of the prerogative shall be abusd, the House will not fail to judge for themselves of the Grievance, nor to exert every power with which the Constitution hath entrusted them, to check the Abuse, and redress the Grievance.

The House had expressd to your Honor their Apprehension of a fixd Design, either to change the f Government, or to harrass us, in order to nto a Compliance with some arbitrary Man-

date: Your Honor says, you know of no fixd Design to harrass us &c.: Upon which we cannot but observe, that if you did not know of a fixd Design to change the Seat of Governm^{t} you would not have omitted so fair an Opportunity to satisfy the Minds of the House, in a Matter of such Importance to the Province. As to your very condescending and liberal Professions, of exercising patience, or using Dispatch, as would be most agreable to us, we shall be very much obligd to your Honor, for the Exercise of those Virtues, whenever you shall see Cause to remove us to our ancient and establishd Seat: But these professions can be no Temptations to us, to give up our Privileges.

Your Honor is pleasd to say, that "we consider the Charter as a Compact between the Crown and the People of this province" and to ask a Question "Shall one Party to the Compact be held, and not the other"? It is true, we consider the Charter as such a Compact, and agree that both Parties are held. The Crown covenants, that a Great & General Court shall be held, every last Wednesday in May for ever; The Crown therefore, doubtless is bound by this Covenant. But we utterly deny, that the people have covenanted to grant Money, or to do Business, at least any other Business than chusing Officers and Councellors to compleat the General Court, on the last Wednesday of May, or in any other Day or Year whatever: Therefore this House, by refusing to do Business, do not deprive the Crown of the Exercise of the prerogative, nor fail of performing their part of the Compact. Your Honor w^{d} doubtless have been

culpable had you refusd to call a General Court on the last Wednesday in May: And the House might have been equally culpable, if they had refusd to chuse a Speaker and Clerk, or to elect Councellors, whereby to compleat the General Court; for in Case of Omission in either part, a Question might arise, Whether the people would have a Legislative. When the General Assembly is thus formd, they are impowerd by the Charter, to make, ordain and establish all Manner of wholesome and reasonable Orders, Laws, Statutes & Ordinances, Directions and Instructions, either with penaltys or without. But the Charter no where obliges the Gen[l] Court, to make any Orders, Laws, Statutes or Ordinances, unless they, at that time judge it conducive to the publick Good to make them: Much less does it oblige them to make any Laws &c, in any particular Session, year or number of years, whenever they themselves shall judge them not to be for the publick Good. Such an Obligation would leave them the least Color of Freedom, but reduce them to a mere machine; to the State the Parliament would have been in, if the Opinion of the two Chiefe Justices and the three puisne Judges had prevaild in the Reign of Richard the second "that the King hath the Governance of Parliament, and may appoint what shall be first handled, and so gradually what next, in all matters to be treated of in parliament, even to the End of the parliament; and if any person shall act contrary to the Kings pleasure made known therein, they are to be punishd as Traitors"—for which opinion those five Judges had Judgment as in Case of high Treason.—Your

Honor will allow us to ask, Whether the Doctrine containd in your Question viz, "If you should refuse to do Business now you are met, would you not deprive the Crown of the Exercise of the prerogative, and fail of performing your part of the Compact" which implys a strong affirmation, is not in a Degree, the very Doctrine of Chiefe Justice Tresilian and the four other Judges just now mentiond? By convening in Obedience to his Majesty's Writ, tested by your Honor, and again, at the time to which we are prorogud, we have submitted to the prerogative, and performd our part of the Compact.

This House has the same inherent Rights in this Province, as the House of Commons has in Great Britain. It is our Duty to procure a Redress of Grievances, and we may constitutionally refuse to grant our Constituents money to the Crown, or to do any other Act of Government, at any given time, that is not affixd by Charter to a certain Day, until the Grievances of the people are redressd. We do not pretend, that our Opinion is to prevail against his Majestys Opinion: We never shall attempt to adjourn or prorogue or dissolve the General Court: But we do hope, that our Opinion shall prevail, against any Opinion whatever, of the proper time to make Laws and to do Business. And by exerting this Power which the Constitution has given us, we hope to convince your Honor and the Ministry of the Necessity of removing the Court to Boston.—All judicious Men will allow that the proper time for the House to do their part of the Business of the province, is for the House to judge of and determine. The

House think it is not, in the present Circumstances of the province, a proper time to do this Business, while the Court is constraind to hold their Session out of Boston: Your Honor is of a different Opinion: We have conformd to this Opinion as far as the Constitution requires us, And now our right of judging commences. If your Honors or even his Majestys Opinion concerning this Point is to prevail against the Opinion of the House, why may not the Crown, according to the Tresilian Doctrine, as well prescribe what Business we shall do, and in what Order.

The House is still ready to answer for all the ill Consequences which can justly be attributed to them; nor are they sensible of any Danger from exerting the power which the Charter has given them of doing their part of the Business in their own time.—That the Province has Enemies who are continually defaming it, and their Charter, is certain; that there are Persons who are endeavoring to intimidate the province from asserting and vindicating their just Rights and Liberties, by Insinuations of Danger to the Constitution, is also indisputable; But no Instance happend, even in the execrable Reign of the worst of the Stuart Race, of a Forfeiture of a Charter, because any one Branch of a Legislature, or even because the whole Government under the Charter, refusd to do Business at a particular time, under grievous Circumstances of Ignominy, Disgrace and Insult; and when their Charter had explicitly given to that Government the sole power of judging of the proper Season & Occasion of doing Business.

We are obligd at this time to struggle, with all the Powers with which the Constitution hath furnishd us, in Defence of our Rights; to prevent the most valueable of our Libertys, from being wrested from us, by the subtle Machinations, and daring Encroachments of wicked Ministers. We have seen of late, innumerable Encroachments on our Charter: Courts of Admiraltry extended from the high Seas, where by the Compact in the Charter, they are confind, to numberless important Causes upon Land: Multitudes of civil Officers, the Appointment of all which is confind by Charter to the Governor and Council, sent here from abroad by the Ministry: A Revenue, not granted by us, but torn from us: Armys stationd here without our Consent; and the Streets of our Metropolis, *crimsond* with the Blood of our fellow Subjects.—These, and other Grievances and Cruelties, too many to be here enumerated, and too melancholly to be much longer born by this injurd People, we have seen brot upon us by the Devices of Ministers of State. We have seen & had of late, Instructions to Governors which threaten to destroy all the remaining Privileges of our Charter. In June 1768, the House, by an Instruction were orderd to rescind an excellent Resolution of a former House, on pain of Dissolution;[1] they refusd to comply with so impudent a Mandate, and were dissolvd. And the Governor, tho' repeatedly requested, and tho' the Exigences of the Province demanded a General Assembly, refusd to call a new one, till the following May. In the last year, the General Court was forcd

[1] See Vol. I., p. 230.

to give Way to regular Troops, illegally quarterd in the Town of Boston, in Consequence of Instructions to Crown Officers, and whose main Guard was most daringly and insultingly placd at the Door of the State house; and afterwards they were constraind to hold their Session at Cambridge. The present year the Assembly is summond to meet, and is still continued there in a kind of Duress, without any Reason that can be given—any Motive whatever, that is not as great an Insult to them, and Breach of their Privilege, as any of the foregoing.—Are these things consistent with the Freedom of the House; or, could the General Courts tamely submiting to such Usage, be thought to promote his Majestys Service!

Should these Struggles of the House prove unfortunate and ineffectual, this Province will submit, with pious Resignation to the Will of Providence; but it would be a kind of Suicide, of which we have the utmost Horror, thus to be made the Instruments of our Servitude.

We beg leave before we conclude, to make one Remark on what you say, that "our Compliance can be of no *Benefit* to our Sovereign, any farther than as he interests himself in the Happiness of his Subjects." We are apprehensive that the World may take this for an Insinuation, very much to our Dishonor: As if the Benefit of our Sovereign were a Motive in our Minds, against a Compliance. But as this Imputation would be extremely unjust, so we hope it was not intended by your Honor. We are however obligd in Justice to our selves and our Constituents to declare that if we had Reason to believe, that a

Compliance would be any, the least Benefit to our Sovereign, it would be a very powerful Argument with us; But we are on the Contrary, fully perswaded, that a Compliance at present, would be very injurious and detrimental to his Majestys Service.

ARTICLE SIGNED "A CHATTERER."[1]

[*Boston Gazette*, August 13, 1770.]

Messieurs EDES & GILL,

"*What availed the good Qualities of* Galba? *He who should not have employed bad Men, or at least should have restrained or punished them, incurred the same Censure as if* he himself *had done it!—It is the common Craft of corrupt Ministers to represent* their *Cause as the Cause of* their Prince."

His Honor the Lieutenant Governor, in his late Reply[2] to the House of Representatives, tells them, that "a Secretary of State has by Virtue of his Office free Access" to the King; & "receives the Signification of his Majesty's pleasure"; from whence he concludes that "he will give no directions but what *he knows* to be agreable thereto", and therefore "every order coming from a Minister of State, must be suppos'd to come *immediately* from the Crown" —This is reasoning plausibly enough; but before I

[1] The succeeding articles of this series were attributed to Adams by George Bancroft. This is confirmed by apparently contemporaneous annotations in the file of the *Gazette* owned by Harbottle Dorr, at one time a selectman of Boston. At the trial of Capt. Preston in November, 1770, he was drawn as a juror and "challenged for cause." An advertisement of his business appears in the *Boston Gazette*, October 1, 1770.

[2] August 3, 1770, *Massachusetts State Papers*, pp. 249–254.

can give my full Assent to the Conclusion, I must have good Grounds to believe this same Secretary to be a Man of Wisdom and Integrity; a Character, which however requisite, does not always belong to a Minister of State. If he is deficient in both or either of these, we can have no Assurance, that every Order coming from him is declaratory of the Pleasure of the Sovereign: His want of Wisdom may render him altogether incapable of *understanding* the Mind of his royal Master; or, failing in point of Integrity he may maliciously and traiterously pervert his benevolent Intentions for the Good of his Subjects. Whenever Orders are given by a Secretary of State, that are evidently calculated to injure the Publick, we are by no Means to suppose them to come immediately from the Crown, for the King can do no Wrong: Will his Honor have us believe that the King can do a weak & foolish, or a malevolent and wicked Act? If not, such Instructions are to be look'd upon as the acts of the Minister and not of the King. Ministers of state were formerly shields to the persons of Kings from such kind of imputations; but it is much to be feared, if care is not taken to prevent it, the idle whimsies of Ministers, their weakness and folly, or their daring and impudent attempts to destroy the Liberties of the People, will be attributed to a Cause which no one, to be sure *at present*, will chuse to mention.—I hope his Honor's reasoning, and his correspondent Conduct, does not lead to this—The House of Representatives seem to be aware of the Danger of such Doctrine, when they expressly say, "They presume not to call in

question the Wisdom of their Sovereign or the rectitude of *his* Intentions"; at the same time that they speak with *a manly Freedom*, of certain Instructions that have come from Ministers of State, and even treat them with Indignity and Contempt. His Honor presumes "they would not have done this, if they *had known* it to be an Order from his Majesty." I believe they would not; they saw reason to think that the Mandate to rescind in June 1768, was the *mere* act of a weak Minister; and as his Honor does not give the least Intimation, that he either knows or believes to the Contrary, I must beg leave to say, that in my poor Opinion, the Epithet given to it by the House, is neither "coarse" nor "indecent."

We seem, Messrs. Printers, to be drawing very near the time, when *some people* will be hardy enough to dispute, whether we are to be governed according to the rule of the Constitution, the building of which has been the Work of Ages, or to use the words of the House, by the "breath of a Minister of State."—Instructions, form'd by a set of Ministers, calculated for certain purposes and sent over to a Governor, who to avoid their high Displeasure and the terrible Effects of it, must implicitly believe, or say he believes them, to come immediately from the King; and the House of Representatives must by no means controvert them, lest, as *Bernard* once impudently told them, they should be chargeable with "oppugnation against the King's authority."[1]

There is a sort of Impropriety, as I take it, in saying that every Order from a Minister of State comes

[1] May 29, 1766, *Massachusetts State Papers*, p. 75.

immediately from the Crown. However, little Inaccuracies in diction are not to be regarded in a performance fraught with reason and sound argument: It is rather to be wondered at that we meet with so few Imperfections, since we are assured by his Honor that he had taken "one Day only for his Reply" to an Answer which he intimates cost a Committee of the House full Eight Days hard Labor.[1] Some men are said to have *intuitive* knowledge; and such have nothing to do but write down pages of *unanswerable reasons* as fast as the Ink can flow.

It was doubtless from this opinion that "every Order from a Secretary of State comes *immediately* from the King," or as his Honor elsewhere more properly expresses it, is a 'Signification of his Majesty's pleasure,' that he concludes it to be his Majesty's pleasure that he should not communicate them; for such a *prohibitory* order is said to come from the Secretary. But the House seemed to think it impossible that our gracious King, should hold his Subjects to a *blind obedience* to Orders which they were not permitted to see; and therefore concluded, and as I humbly conceive very justly, that this order in a particular manner, was to be suppos'd to be an Act of the Minister and not of the King—His Honor indeed speaks of it with great Veneration; and tells them that "the restraint he is under appears to him to be founded upon wise Reasons." But from this alone, he could not with certainty conclude that the Order came *immediately* from *the King;* for it is undoubtedly his Honor's opinion, that the *present set* of

[1] *Massachusetts State Papers*, p. 254.

Ministers are *very wise men*, tho' not so wise as his Majesty; and therefore he might *take it for granted*, the Order was founded on *wise reasons* if it had come from them *only*. But as in these times of Light and Liberty, every man chuses to see and judge for himself, especially in all matters which are prescribed to him as rules of faith and practice; it is pity his Honor did not condescend to communicate those *wise reasons*, that the House and the People *without Doors*, here and there "a transient Person" who may have a common share of understanding, might judge whether they appeared *to them* to be reasons becoming the Wisdom of a King, or only as the House somewhere express it, "*the freaks of a capricious Minister of State.*"

If I have leisure I shall write you again. In the mean Time, I am, Your's,

A CHATTERER.

ARTICLE SIGNED "A CHATTERER."

[*Boston Gazette*, August 20, 1770.]

"*One of the greatest indications of* Wisdom *that a Prince can show, is to converse with and have about him* virtuous *and* wise *Men: But Princes are liable to be deceived;* Fraudum sedes aula, *was the saying of a Philosopher who understood Courts well.—A good Prince may suffer by employing bad Ministers and Servants.*"

MESSIEURS PRINTERS,

WE are told in a late reply, that "the offices of Attornies and Sollicitors-General have been for more

than fifty years past filled up by persons of the highest reputation for learning and integrity."[1] I am apt to think, if we look back we shall find that *some* of these officers of the crown have been as deficient in learning or integrity, or both, as we know some ministers of state have been. The house of Representatives say, "the province has suffer'd much by their unjust, groundless and illegal opinions"—[2] Among other instances of weakness or wickedness in some persons who have filled these offices, I shall only mention one which now occurs to my mind—There is an act of Parliament which exempts seamen from an impress in America: This act was upon several occasions urged by the Americans, and it has been the opinion of attornies and sollicitors general, at different times, that the act was limitted to a time of war, when in truth there was no part or clause whatever in it to justify such opinion.—Well then may it be called a groundless opinion; and if groundless, will any one insist that there was no defect in these instances in point of integrity, if not of learning—Perhaps these opinions may appear to his Honor to be founded upon wise reasons; but others who cannot see the force of these reasons, have a right to think differently; and such a freedom is not likely to bring dishonor upon them —It is enough for those who are dependent upon the great for commissions, pensions, and the like, to preach up implicit faith in the great—Others whose minds are *unfettered* will think for themselves—They will not blindly adopt the opinions even of persons who are advanced to the first stations in the courts of

[1] *Massachusetts State Papers*, pp. 249, 250. [2] *Ibid.*, p. 241.

law and equity, any further than the reasons which they expressly give are convincing.—They will judge freely of every point of *state doctrine*, & reject with disdain a blind submission to the authority of *mere names*, as being equally ridiculous, as well as dangerous in government and religion.—It may have been, Messirs. Printers, too much the practice of late, for some plantation governors, like *Verres* either ancient or modern, to oppress and plague the people they were bound to protect, and, perhaps in obedience to "orders that have come from secretaries of state"—These orders truly were to be treated with as profound veneration, without the least enquiry into their nature and tendency, as ever a poor deluded Catholic reverenc'd the decree of Holy Father at Rome.—While such a disposition prevailed, O how orderly were the people, how submissive to government! But when once a statute or the constitution was pleaded, which it was as dangerous for the people to look into, as it would be for an *Italian*, after the example of the noble *Bereans*, to search the scriptures, the secretary of state was to be informed that the people were become rebellious; as they said of St. Paul for preaching doctrines opposite to the humour of the Jewish Masters, that he "turned the world upside down"—The whole ministerial cabal was summoned; opinions were called for and taken—and however ludicrous, to say the best of them, those opinions were, if the people did not swallow them down as law & reason, they were told, that the freedom they used with the characters of great men forsooth "would bring dishonor upon them" and standing armies were sent to

convince them of the *reasonableness* of these opinions—I confess that " too great respect cannot be paid to the *honorable* part of the profession of the law," but when *state-lawyers*, attorneys and sollicitors general, & persons advanced to the highest stations in the courts of law, *prostitute* the honor of the profession, become *tools of ministers*, and employ their talents for *explaining away*, if possible the Rights of a kingdom, they are then the proper objects of the odium and indignation of the public.—A very judicious author has observed that " our maladies and dangers have originated chiefly in the errors and misconduct of *ministers;* who from *defect of ability or fidelity, or both*, were unequal to the wants of a kingdom : A great genius, infinite knowledge and infinite care, says he, are requisite to form a prime minister; but youth and dissipation, with the trainings of the *turf* and the *gaming table*, will now suffice to make a man master of the most difficult trade in the world, *without learning it*"—*Such* were the men, under whose *Influence* Attorneys and Sollicitors General, within these fifty Years past, have held their places, and have even been advanced to the highest Stations in the Courts of Law, without any other recommendation than a servile disposition to prostitute the Law and the Constitution, whenever their Masters should require it of them— *Such* have been the Men, from whom Orders have come to Governors and Commanders in Chief, civil and military in America! And shall we easily be persuaded to take it for granted that *such* men are incapable of abusing the high trust reposed in them, and that Orders coming from *them*

are always to be considered as "Significations of the pleasure of the Sovereign."—

Your's,

A CHATTERER.

ARTICLE SIGNED "A CHATTERER."

[*Boston Gazette*, August 27, 1770.]

MESSIEURS PRINTERS,

I Find in the last Monday's Evening Post,[1] a Piece, signed Probus; the Intention of which seems to be, at least in Part, to show that I must be "effectually disappointed in my Attempt to convince the World that I am a greater Scholar than the Lieutenant-Governor of this Province"! Now upon the Word of a Chatterer, I declare to all my kind Readers, as well as Hearers, that I never did make the least Pretension to Scholarship; and besides, the World must long have been so fully convinced of the "profound Erudition" of the Lieutenant-Governor of this Province, that it would be the highest Degree of Vanity in any Man to think of rivaling him as a Scholar. It was obvious to common Readers that "what comes from the King thro' his Minister, does not come immediately from the King"—And yet every Paper of the 6th of August led us to think that an "Expression in itself repugnant and absurd", had, perhaps thro' Inadvertency, drop't even from a learned Pen—So far was I from "bravely attacking the Word immediately," or "entering into a formal Criticism," or any

[1] *The Boston Evening Post*, published by T. & J. Fleet.

Criticism at all, that I but barely mentioned it as a "little inaccuracy"; at the same Time making the best Apology I could for it, by saying that as his Honor had assured us he "had taken one Day only for his Reply" it was rather to be wonder'd at, that we met with so few Imperfections of that kind. But Probus has rectify'd the Mistake, and Probus has vindicated the Lt. Governor of this Province as a Scholar. —We Chatterers, Messrs. Printers, have as much Pretension to the Character of the Gentleman, as any such formal and grave kind of folks as Probus: But I did not think myself under any obligation "as a Gentleman or an honest Man" to hunt after the Original, and therefore I have no Acknowledgment to make to any one for "a faulty Neglect in not seeing it before my Publication." I suppos'd, as any one might, that the printed Copies were agreable to the original; and, that our Enemies may not avail themselves of the common Artifice, in representing the Advocates for the People as endeavoring to deceive the public I do again declare, that "in my Conscience I thought the printed Copy to be genuine"; and I hereby bear my Testimony, as far as that will go, against any Abuse being offered to Probus, which, poor Man, he either is, or affects to be under Apprehensions of, for rectifying this Mistake: But as few persons beside his Honor the Pope, lay Claim to Infallibility, upon due Consideration it seemeth not, that I am guilty of such high Crime and Misdeameanour, as by any Rule in Law to be subjected to Indictment or ex officio Information. However, I think it incumbent on you to suffer your Readers to be advertiz'd, that instead of

immediately in his Honor's Reply to the House of Representatives, as published in your Paper of the 6th of August, they ought to read mediately; which may prevent some other Chatterer from rudely attempting to convince the World that he is "a greater Scholar than the Lt. Governor of this Province;" Such an attempt perhaps may otherwise be made at a Distance where Probus may not have it in his Power to set right this notable Mistake—The Word being thus restored, the Passage will remain just as liable to the Chatterer's Exception, notwithstanding all that Probus has said, as if it stood as it did; for the whole that was intended, was, to show, that we ought to take the Characters of Ministers of State into Consideration, before we conclude, as his Honor would have us, that every Order from them comes mediately from the Crown, or is a Signification of his Majesty's Pleasure.

There is in the same Evening Post, as well as the Boston Post-Boy & Advertiser,[1] & also in the Gazette of Thursday last, an Advertisement wherein the same Notice is taken of this Assault and Battery of mine upon the Scholarship of the Lieutenant Governor of this Province—I am sorry that my poor Publication, which seems after all to be of no more Significancy in their Opinion than "a Man of Straw" has given so great Uneasiness to some of his Honor's Friends —This Advertiser indirectly chargeth me with Indecency in "undertaking to answer a Governor's Message." Now I did not undertake to answer a Governor's Message; and to speak plain, I did not

[1] *The Massachusetts Gazette and Boston Post-Boy and Advertiser*, published by Mills and Hicks.

think it worth while to undertake it—I believe I am not alone in the Opinion, that some messages might easily be answered, & possibly each in "one Day only": But if I had undertaken it, where in the Name of common sense would have been the Indecency of it? I know very well that it has been handed as a political Creed of late, that the Reasoning of the People without Doors is not to be regarded—But every "transient Person" has a Right publickly to animadvert upon whatever is publickly advanc'd by any Man, and I am resolv'd to exercise that Right, when I please, without asking any Man's Leave—And moreover, I am free to say, that if ever a Governor's Message should happen to be below the Attention of a Scholar, no Person can more aptly take Notice of it, that I know of, than

A CHATTERER.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO BENJAMIN FRANKLIN.[1]

[*Boston Gazette*, July 22, 1771: a text is printed in *Papers Relating to Public Events in Massachusetts*, Philadelphia, 1856, pp. 169–177.]

PROVINCE OF MASSACHUSETTS-BAY,
Nov. 6, 1770.

SIR,

The House of Representatives of this his Majesty's province, having made choice of you to appear for

[1] Attributed to Adams by Governor Hutchinson. Hutchinson to Pownall; Public Record Office, Domestic Geo. III., 11:25. Franklin's reply, addressed to the Speaker of the House of Representatives under date of December 24, 1770, is in J. Bigelow, *Complete Works of Benjamin Franklin* vol. iv., pp. 371–373.

them at the court of Great Britain, as there may be occasion; it is necessary that you be well informed of the state and circumstances of the province, and the grievances we labor under, the redress of which will require your utmost attention and application.

You are sensible that the British parliament have of late years thought proper to raise a revenue in America without our consent, by divers acts made expressly for that purpose; The reasons and grounds of our complaints against those acts, are so well known and understood by you, that it is needless for us to mention them at this time.

The measures that have been taken by the American assemblies, to obtain the repeal of these acts, tho' altogether consistent with the constitution, and clearly within the bounds of the Subjects Rights, have been nevertheless disgustful to administration; to whom we have been constantly represented by the servants of the crown and others on this side the water, in the most disagreeable and odious light.

Whether this province has been considered as having a lead among the other colonies, which they have never affected, or whether it is because Governor Bernard, the Commissioners of the Customs and others, who have discovered themselves peculiarly inimical to the Colonies, have had their residences here, certain it is, that the resentment of government at home has been particularly pointed against this province: For it is notorious that we have been charged with taking inflammatory measures, tending to create unwarrantable combinations, to excite an unjustifiable opposition to parliament, and revive

unhappy divisions among the Colonies; and we have frequently been censured as disobedient to government for parts of conduct which have been in no wise dissimular to those which have been taken by other colonies without the least censure or observation.

While administration appeared to have conceived undue prejudices against us, our enemies have not failed to take every measure to increase those prejudices; and particularly by representing to the King's ministers, that a spirit of faction had so greatly and universally prevailed among us, as that government could not be supported, and it was unsafe for the officers of the crown to live in the province and execute their trusts, without the protection of a military force: Such a force they at length obtained; the consequence of which was a scene of confusion & distress for the space of seventeen months, which ended in the blood and slaughter of his Majesty's good subjects.

It was particularly mortifying to us to see the whole system of civil authority in the province, yielding to this most dangerous power; and at the very time when the interposition of the civil magistrate was of the most pressing necessity, to check the wanton and bloody career of the military, the Lieutenant-Governor himself declared, as Governor Bernard had before, that "he had no authority over the King's troops in the province," and his Majesty's representative in Council became an humble supplicant for their removal out of the town of Boston! What would be the feelings of our fellow-subjects in Britain, if contrary to their Bill of Rights, and indeed to every

principle of civil government, soldiers were posted even in their capital, without the consent of their Parliament? And yet the subjects of the same Prince in America who are entitled to the same freedom, are compelled to submit to as great a military power as administration shall please to order to be posted among them in a time of profound peace, without the consent of their assemblies! And this military power is allowed to trample upon the laws of the land, the common security, without restraint! Such an instance of absolute uncontroul'd military tyranny must needs be alarming, to those who have before in some measure enjoy'd, and are still entitled to the blessings of a free government, having never forfeited the character of loyal subjects.—After the fatal tragedy of the fifth of March, the regiments under the command of Lieut. Colonel Dalrymple were removed from the Town of Boston to the Barracks on Castle Island, in consequence of a petition from the town to the Lieutenant Governor and his *Prayer* to the Colonel; since which, in pursuance of *Instruction* to the Lieut. Governor, the garrison there in the pay of the province, is withdrawn, and a garrison of his Majesty's regular troops placed in their stead. And although this exchange is made *ostensively* by the immediate order of the lieutenant-governor, yet it appears by the inclosed depositions, that Col. Dalrymple in *reality* took the custody and government of the fortress by order of general Gage; and therefore the lieutenant governor has no longer that command, which he is vested with by the royal charter.

We cannot help observing upon this occasion, that

the instructions which have of late been given to the governor, some of them at least, directly militate, as in the present instance, with the charter of the province; And these instructions are not always adapted to promote his Majesty's service, or the good of the people within this province, but often appear to be solely calculated to further and execute the measures, and enforce the laws of a different state; by which means his Majesty's colonies may be entirely subjected to the absolute will of his other subjects in Great Britain, for which there can be no pretence of right, but what is founded in mere force.—By virtue of their positive instructions, the general assembly of the province has been remov'd from its ancient establish'd and only convenient seat in Boston, and is still obliged to hold its session at Harvard College in Cambridge, to the great inconvenience of the members and injury of the people, as well as detriment of that seminary of learning, without any reason that can be assigned but will and pleasure: And thus the prerogative of the King, which is a trust reposed in him to be improved only for the welfare of his subjects, is perverted to their manifest injury.

And what is still more grievous is, that the Governor of the province is absolutely inhibited, as we are told, from laying before the assembly any instruction, which he receives, even such as carry in them the evident marks of his Majesty's displeasure: By which means the House of Representatives cannot have it in their power to obtain here, that precise knowledge of the grounds of our Sovereign's displeasure, which we are in reason and justice entitled

to, nor can the ministry be made responsible for any measures they may advise to in order to introduce and establish an illegal and arbitrary government over his Majesty's subjects in the colonies.—We have an instance of this kind now before us; the Lt. Governor of the province having in his speech at the opening of this session, given a dark intimation of something intended against the province, and when the House of Representatives earnestly desired him to explain it, that they might have a clear understanding of what was intended therein, he declared as he had before done in other like cases, that he was not at liberty to make public or to communicate by speech or message an order from his Majesty in council which he had received, although in consequence thereof the state of the province was to be laid before parliament. By such conduct in the ministry it appears that we may be again accus'd and censur'd by parliament as we have heretofore been, and perhaps suffer the greatest injury without knowing our accusers or the matters that may be alleg'd against us.

At the same time, by an order of parliament that the names of persons giving intelligence to the ministry which may at any time be laid before parliament, shall be made secret even to the members themselves, the greatest encouragement is given to persons inimical to the province, to send home false relations of speeches and proceedings in public assemblies, and elsewhere, containing injurious charges upon individuals as well as publick bodies: Some of which have been transmitted home under the seal of the province, without the least notice given to those individuals, or

any but the few in the secret to attend and cross-examine such witnesses. Thus even parliament itself may be misled into measures highly injurious and destructive to the province, by the calumny and detraction of those who are not and cannot be known, and whose falsehoods cannot therefore be detected. —So wretched is the state of this province, not only to be subjected to absolute instructions, given to the governor to be the rule of his administration, whereby some of the most essential clauses of our charter, vesting in him powers to be exercis'd for the good of the people are totally rescinded, which in reality is a state of despotism; but also, to a standing army, which being uncontroul'd by any authority within the province, must soon tear up the very foundations of civil government.

Moreover we have the highest reason to complain that since the late parliamentary regulations of the colonies, the jurisdiction of the court of admiralty has been extended to so enormous a length, as itself to threaten the very being of the constitution: By the statute 4th Geo. 3 chap. 15, "All forfeitures and penalties inflicted by this or any other act of parliament relating to the trade and plantations in America which shall be incur'd there, may be prosecuted, sued for and recovered in any court of admiralty in the said colonies." Thus a single judge, independent of the people, and in a civil law court, is to try these extraordinary forfeitures and penalties without a jury: Whereas the same statute provides, that all penalties and forfeitures which shall be incurred in Great Britain, shall be prosecuted, sued for and recovered in

any of his Majesty's courts of record, in Westminster or in the court of exchequer in Scotland respectively. Here is the most unreasonable and unjust distinction, made between the subjects in Britain and America; as tho' it were designed to exclude us from the least share in that clause of Magna-Charta, which has for many centuries been the noblest bulwark of the English liberties, & which cannot be too often repeated; "No freeman shall be taken or imprison'd or disseiz'd of his freehold, or liberties, or free customs, or be outlaw'd, or exil'd, or any otherwise destroyed, nor will we pass upon him nor condemn him, but by the judgment of his peers or the law of the land."

These are some of the insupportable grievances which this province has long been laboring under, and which still remain altogether unredressed: For although they have been set forth in the clearest manner by humble petitions to the throne, yet such an ascendency over us have the officers of the crown here in the minds of administration, that our complaints are scarcely heard; our very petitions are deemed factious, and instead of obtaining any relief, our oppressions have been more aggravated, & we have reason to apprehend will be still increased.

For by the best intelligence from England, we are under strong apprehensions that by virtue of an act of parliament of the 7 Geo. 3.[1] which impowers his Majesty to appropriate a part of the revenue raised in America, for the support of civil government, and the administration of justice in such colonies where he

[1] Chap. 46.

shall judge it necessary, administration is determined to bestow large salaries upon the attorney-general, judges and governor of this province; whereby they will be made not only altogether independent of the people, but wholly dependent upon the ministry for their support. These appointments will be justly obnoxious to the other colonies, and tend to beget and keep up a perpetual discontent among them; for they will deem it unjust as well as unnecessary to be oblig'd to bear a part of the support of government in this province, and even in the courts of law; especially if designs are also meditating to make other important alterations in our Charter, by appointing the Council from home, &c. whereby the executive will be rendered absolute, and the legislative totally ineffectual to any valuable purpose. The assembly is in all reason sufficiently dependent already upon the Crown: The one branch annually for its being, as it is subject to the negative of the Governor; and both the branches for every grant and appropriation of their money, and also for their whole defence and security, as he is Captain-General, and has by Charter the sole military command within the province: All civil officers are either nominated and appointed by him with the advice and consent of his Majesty's Council, or if elected they are subject to his negative: And our laws, after being consented to by his Majesty's Governor, are by the first opportunity from the making thereof, to be transmitted to his Majesty for his approbation or disallowance: Three years they are subject to the revision of the crown lawyers in Britain, who may always be strangers to our internal polity, & sometimes dis-

affected to us: And at any time within the three years, His Majesty in his privy council may, if he thinks proper, reject them, and then they become utterly void. Surely the parliament of Great Britain cannot wish for greater checks, both upon the legislative and executive of a colony, unless we are to be considered as bastards and not Sons.—A step further will reduce us to absolute subjection. If administration is resolved to continue such measures of severity, the colonies will in time consider the mother-state as utterly regardless of their welfare: Repeated acts of unkindness on one side, may by degrees abate the warmth of affection on the other, and a total alienation may succeed to that happy union, harmony and confidence, which has subsisted, and we sincerely wish may always subsist: If Great Britain, instead of treating us as their fellow-subjects, shall aim at making us their vassals and slaves, the consequence will be, that although our merchants have receded from their non-importation agreement, yet the body of the people will vigorously endeavor to become independent of the mother-country for supplies, and sooner than she may be aware of it, will manufacture for themselves. The colonists, like healthy young sons, have been chearfully building up the parent state, and how far Great Britain will be affected, if they should be rendered even *barely useless* to her, is an object which we conceive is at this very juncture worth the attention of a British Parliament.

Your own acquaintance with this province, and your well known attachment to it, will lead you to exert all your powers in its defence: And as the

Council have made choice of William Bollan, Esq; for their agent, you will no doubt confer with him, and concert such measures as will promote our common interest: Your abilities we greatly confide in; but if you shall think it for the advantage of the province to consult with and employ council learned in the law, the importance of your agency will be a motive sufficient for us to acquiesce in such expence on that account, as your own judgment shall dictate to you to be necessary.

Included are the proceedings of his Majesty's Council of this province, upon an affidavit of Mr. Secretary Oliver, which this House apprehend has a tendency to make a very undue impression on the minds of his Majesty's ministers and others, respecting the temper and disposition of the people, previous to the tragical transaction of the fifth of March last: You are therefore desired to make such use of them as shall prevent such unhappy consequences from taking effect.

TO STEPHEN SAYRE.[1]

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Nov[r] 16 1770

SIR

I should before now have acknowledgd your favor of the 5 June,[2] but my being obligd to attend the Session of the General Court for 7 weeks[3] & other

[1] A resident of London, and at one time sheriff; his relations with the colonists appear in the letters printed in this volume.

[2] A copy is in S. A. Wells, *Samuel Adams and the American Revolution*, vol. i., pp. 293, 294.

[3] The session began September 26 and ended November 20.

necessary Avocations prevented it. I return the Letters signd Junius Americanus deliverd to me by Mr Cary,[1] by your direction to be a valueable present. The Author has servd the American Cause in a manner in which I have long wishd some able pen would have undertaken to do it by appealing to the good Sense of the Body of the Nation. I believe the general Inclination there is to wish that we may preserve our Liberties; and perhaps even the Ministry could for some Reasons find it in their hearts to be willing that we sh^d^ be restord to the State we were in before the passing of the Stamp Act, were it not that a Set of detestable Men were continually writing from hence that we sh^d^ carry our Claims still higher & there w^d^ be no Bounds to our Demands. I can venture to assure you that there is no Foundation for such Assertions, nor do I think they are really believd by any. The People here are indeed greatly tenacious of their just Rights & I hope in God they will ever firmly maintain them. Every Attempt to enforce the plan of Despotism will certainly irritate them; While they have a Sense of freedom they will oppose the Efforts of Tyranny; and altho the Mother Country may at present boast of her Superiority over them, she may perhaps find the Want of that Superiority, when by repeated provocations she shall have totally lost their Affections.—All Good Men surely wish for a cordial Harmony between the two Countrys. Great Britain can lose Nothing which she ought to retain by restoring the Americans to their former State, & they I am

[1] Probably Richard Cary, of Charlestown, Mass. Letters by him are in *Papers Relating to Public Events in Massachusetts*, pp. 113, 122, 124.

satisfied will no further contend; While the Struggle continues Manufactures will still increase in America in spite of all Efforts to prevent it; & how far Britain will be injurd by it, ought certainly to be well considerd on your side the Atlantick.

Our Merchants have receded from their Nonimportation Agreement. They held it much longer than I ever thought they would or could. It was a grand Tryal which pressd hard upon their private Interest. But the Landholders find it for their Interest to manufacture and it is their happy Consideration that while they are most effectually serving their Country they are adding to their private fortunes. The representatives of the people have this day agreed to promote Manufactures in their respective Towns, & the House have appointed a special Committee[1] to form a plan for the effectual Encouragement of Arts Agriculture Manufactures & Commerce in this province; & even the Administration of a Bernard could not tend more to sharpen the Edge of resentment which will perpetually keep alive the Spirit of Manufactures than that which we are now blessd with. Lt Governor Hutchinson, more plausible indeed than Bernard, seems resolvd to push the same plan & the people plainly see that a Change of Men is not likely to produce a Change of Measures—so soon are the Words of the one verified when he said of the other that he could rely upon him as he could on himself.

Our House of Representatives have been inducd to do Business this Session, against their former remonstrances, principally from a Necessity which they

[1] On November 16; Samuel Adams was a member of the committee.

apprehended they were under of attending to what m^t^ be doing on your Side the Water. They accordingly chose an Agent. I gave my Suffrage with about a third part of the House, for Dr Lee—but Dr Franklin being personally known to many of the Members had the preference—both the Gentlemen were highly spoken of in the House, & afterwards Dr Lee was appointed to the Trust, by a very full vote in Case of the Death or Absence of Dr Franklin.

Our State Tryals as we may call them have at length come on. Preston is acquitted by a Jury![1] It is to be remarkd that the Baker of the Regiment, who indeed w^d^ have had himself excusd, and three others were put on as Talesmen Preston having challengd Eighteen. One of the three was a known Intimate of Prestons and another had declared before that if he was to be of the Jury he w^d^ sit till Doomsday before he w^d^ consent to a Verdict ag^t^ him. Evidence to prove that the Soldiers were the Aggressors of which there was plenty was not admitted. The main Question was whether he orderd the Men to fire—diverse persons swore positively that he did, but they differing about the Circumstance of his Dress, & others swearing, one that he was very near him & did not hear him give the orders, & others that some other person unknown gave them, operated in his favor. But no Weight that I can learn was given, to full proof that he led the Soldiers armd with loaded Musquets & Bayonets. This he had a Right, nay it was his Duty to do, because the Centinel was in Danger & we must

[1] The stenographic report of Preston's trial was sent to England, but never published in America. *Works of John Adams*, vol. ii., p. 236.

presume the People were the Aggressors. This Principle I suppose will clear the Soldiers whose Tryals begin on Tuesday next.[1] Richardson who was convicted of the Murder of young Snider so long ago as March, remains unhangd, the Court not having yet determind upon his Motion for another Tryal. You may easily observe that we have catchd the impartial Spirit of the Kings friends, a synonimous term for friends of Gov^t^ here, from the Mother Country. I had not the opportunity of attending Prestons Tryal, but am in hopes of having a minute Acco^t^ of it from a sensible Gentleman who was present—if I can obtain it I will write you more precisely upon the Subject.

Before I conclude I must mention to you that the Minister has taken a Method which in my Opinion has a direct tendency to set up a despotism here, or rather is the thing it self—and that is by sending Instructions to the Governor to be the rule of his Administration & forbiding him as the Govr declares to make them known to us, the Design of which may be to prevent his ever being made responsible for any measures he may advise in order to introduce & establish arbitrary power over the Colonies. Mr Hutchinson has pushd this point with all the Vigour of Bernard, which has occasiond warm messages between him & the Assembly as you may observe in the Boston Gazette for several Weeks past. But of this I shall be more particular in my next.

[1] *The Trial of the British Soldiers of the 29th Regiment of Foot* was published at Boston in 1770, 1807 and 1824, and was reprinted in *History of the Boston Massacre*, Albany, 1870, pp. 123–285.

I shall be proud of an epistolary Correspondence with you, and with Dr Lee to whom tho personally unknown to him I beg you w^d^ make my Compliments.

I am with strict truth.

THE HOUSE OF REPRESENTATIVES TO THE LIEUTENANT-GOVERNOR OF MASSACHUSETTS.[1]

[*Journal of the House of Representatives, 1770–1771*, p. 175; the text is also in *Acts and Resolves of the Province of Massachusetts*, vol. v., p. 348.]

November 20, 1770.

MAY IT PLEASE YOUR HONOR,

The House of Representatives have heretofore view'd with Concern the deplorable State of the Militia of this Province. But have hitherto refrained from any public mention of it least some Misconstruction should be put upon it.

But by the last Advices from *Great-Britain*, the *Nations* of Europe appear to be upon the Eve of a general War; and perhaps America may be the Object in the Eye of some of those Nations.

And when some of the Regiments within this Province are destitute of Field-Officers, and many Companies without Captains or Subalterns, the Arms of the Militia we fear are deficient, and military Discipline too much neglected.

Duty to his Majesty, and a Regard to our own Safety constrain us to Address your Honor, praying that you

[1] On November 19, 1770, Samuel Adams was appointed a member of a committee to draft a message to the Lieutenant Governor with reference to the vacancies in the militia. On the following day Adams reported to the House a draft, which was accepted.

would be pleased (as soon as may be) to fill up the Vacancies in the several Regiments (wherever such Vacancies are) with such Persons as to your Honor shall seem meet: And that your Honor would be pleased to use your Endeavours that the several Officers carefully Discharge the Trust reposed in them. And should any Amendments in, or Addition to the Laws for regulating the Militia of this Province be thought needful, at the next Session of the General Court the House of Representatives will chearfully do all in their Power towards putting the Militia on a respectable Footing.

ARTICLE SIGNED "A TORY."

[*Boston Gazette*, November 26, 1770.]

I HAVE thought of several things that have taken place since the present a——n[1] began, which must needs have given sensible pleasure to every friend of this province, and possibly were alluded to in a late pr——n.[2]—In the first place, the friends of government have so far prevailed against the faction, as to get the non-importation plan broke thro', which had for so long time embarrassed the Ministry in their laudable efforts to *Establish A Revenue* in the colonies. The consequence of this, it is hoped, will be, that the worthy Commissioners of the customs will be continued; and the troops which have so eminently protected the lives, and reformed the morals of the people,

[1] Administration. [2] Proclamation.

will be reinstated; so that the well-affected may enjoy their places and *Pensions* without molestation from the vulgar. In the next place, our Castle-William is taken out of the hands of the rude natives, and put under the government of regular forces; this was an admirable manœuvre, which has occasioned the highest joy in the friends of government, (thank his —— for it) and in proportion damp'd the spirits of the faction. And then, such a grand appearance of tall ships of war in our capital harbour, which were certainly designed to show us the marks of the greatest respect, (for what other end could the wise ministry have had in view) and may serve to make up for the loss of troops, if we should unfortunately not be favoured with more!—There is also the advantage which his H——r the Lt. G——r must reap from some late instructions, which, no doubt, "are founded in wise reasons," whereby the great defects in our Charter, which the friends of government have been long complaining of, may be supply'd.—I might mention also, a late remarkable deliverance from death and danger, (blessed a-m——n!) for it would have been a great discouragement to the efforts of government.—But no more—these may be thought to be matters of great thankfulness, and may suitably employ our minds at the approaching solemnity.

Your's

A TORY.

CAMBRIDGE, Nov. 20, 1770.

TO PETER TIMOTHY.[1]

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Novr 21 1770

SIR

Ever since I recd your favr of Sept 22[2] I have been incessantly employd in the Genl Assembly which met *agreable to Instructions* at Har[vard] Coll[ege] in Cam[bridge]. This I hope will be some Apology for my not acknowleging it before.

I had recd a Letter from Mr John Neufville Chairman of the Come of Merchts in Charlestown, inclosing Letters for the Sons of Liberty in Boston Connecticutt & N Hampshire. The two last of which I forwarded as soon as possible to such Gentn in the respective places as I judgd worthy so excellent a Character. That which was directed for Boston I unseald, professing my self a Son of Liberty but found it was designd for the Trade, with whom I was not connected, but as an Auxiliary in their Nonimportation Agreement. I therefore deliverd it to the Chairman of the Come here, and it was read with very great Approbation, in a large Meeting of the Body of the people. I desire you wd make my Compts and Apology to Mr Neufville. I verily believd that the Come of Merchants had duly honord his Letter by returning an Answer to it, as they had orderd it to be publishd in our news papers; and I candidly suppose they had the same Expectation from me which may be the occasion that the Letter remaind unanswerd.

[1] Of Charleston, South Carolina.

[2] Asking why an earlier letter of the Charleston committee had not been answered. A copy of Timothy's letter is in S. A. Wells, *Samuel Adams and the American Revolution*, vol. i., p. 292.

The Nonimportation Agreem[t] since the Defection of New York is entirely at an end. From the Begining I have been apprehensive it w[d] fall short of our Wishes. It was continued much beyond my Expectation: There are here & I suppose every where, men interrested enough to render such a plan abortive. Thro the Influence of the Com[e] & Tories here, Boston has been made to *appear* in an odious Light; but I w[d] not have you believe it to be the true Light. The Merch[ts] in general have punctually abode by their Agreem[t], to their very great private loss; Some few have found means to play a dishonorable Game without Detection, tho the utmost pains have been taken. The Body of the people remaind firm till the Merch[ts] receded. I am very sorry that the Agreem[t] was ever enterd into as it has turnd out ineffectual. Let us then ever forget that there has been such a futile Combination, & awaken our Attention to our first grand object. Let the Colonies still convince their implacable Enemies, that they are united in constitutional Principles, and are resolvd they *will not* be Slaves; that their Dependance is not upon Merch[ts] or any particular Class of men, nor is their dernier resort, a resolution *barely* to withhold Commerce, with a nation that w[d] subject them to despotic Power. Our house of reps [sic] have appointed a Com[e] to correspond with our friends in the other Colonies,[1] & AMERICAN MANUFACTURES sh[d] be the constant Theme.

Our young men seem of late very ambitious of making themselves masters of the art MILITARY.

[1] Consisting of Samuel Adams, John Adams, Hancock, Hall and Cushing; appointed November 7, 1770.

TO STEPHEN SAYRE.

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON 23 Novr 1770

SIR

Capt Scott being detaind by a contrary Wind, and the General Assembly being now prorogud,[1] I have an Opportunity of writing in Addition to my Letter of the 16 Instt & by the same Conveyance.

As soon as I heard of the Death of our worthy Friend Mr De Berdt, I was determind, if the House should come to the Choice of an Agent, to give my Vote for yourself; and I was confirmd in my Resolution when I found by your Letter of the 5 June[2] that such an Appointmt would be agreable to you. But being afterwards told by a Friend of yours that you were desirous yourself that Dr Lee might be chosen, which by no means lessened my Opinion of your Merit, & having also a great Opinion of Dr Lee, I thought myself happy in a Conclusion that your Inclination perfectly coincided with my own Judgment. At the same time, such was my Opinion of your honest Zeal for the Rights of America and of your Ability to defend them that I could with equal Satisfaction have voted for Mr Sayer. I am perfectly of your Opinion that no man shd be the object of our Choice who holds any place at the Will of the present Administration; how far the House have been influencd by this Principle you are able to judge.

[1] The prorogation, on November 20, was until January 23, 1771; the next session actually began April 3, 1771.

[2] Delivered by Richard Cary. A copy is in S. A. Wells, *Samuel Adams and the American Revolution*, vol. i., pp. 293, 294.

You will observe by the inclosd papers, to how great a degree ministerial Instructions are enforcd here. They not only prescribe to the Assembly which ought to be free the forms of Legislation in the most essential Parts, but even annihilate the Powers of the Govr vested in him by Charter.[1] Could it possibly be imagind that a man who is bone of our Bone, & flesh of our flesh—who boasts that his Ancestors were of the first Rank & figure in the Country, who has had all the Honors lavishly heapd upon him which his Fellow Citizens had it in their power to bestow, who with all the Arts of personal Address professes the strongest Attachm^t^ to his native Country & the most tender feeling for its Rights. Could it be imagind that such a Man sh^d^ be so lost to all sense of Gratitude & publick Love, as to aid the Designs of despotick power for the sake of rising a single step higher.

"Who would not weep if such a Man there be
Who would not weep if H——n were he."

Aut Cæsar aut nullus, is inscribd on the Hearts of some Men who have neither Cæsars Learning nor Courage. Cæsar three times refusd the Crown; His Heart & his Tongue evidently gave each other the Lye. Our modern *Great Man*, would fain have it thought that he has refusd a Government, which his Soul is every day panting after & without the Possession of which his Ambition & Lust of Power will perpetually torment him.

The Intelligence in Your Letter of the 18 Septr which I have just now with pleasure receivd, does not

[1] At this point the words "Good God!" are crossed out.

at all surprize me—"His former Letters" "wrote before Bernard embarkd for England" "have been equally oppugnant to the Form of your Govt"—And yet this very Man gives out, that in six months, the Province will be convincd that his Letters are written in defence of our Charter! So I remember Bernard himself, not long before his own Letters returnd, declard to both Houses of Assembly, that if he was at Liberty to make publick the Letters he had written to the several Boards in favor of the Province, his Enemies wd blush.—Why does not this Man make his Letters publick? Would not a Roman Senator have seizd the opportunity of appeasing the Jealousys of the angry Citizens? But the Body of the people are contemptible.[1] This People who know not the Law are accursed, said a haughty Jewish priest. It has been his Principle from a Boy, that Mankind are to be governd by the discerning few—and it has ever since been his Ambition to be the Hero[2] of the few.

I have long since been of your Opinion that few great Men in Britain are entitled to an American Confidence—They will all in their Turns clamour for us while it is their Interest so to do.—It is the Business of America to take Care of herself—her salvation as you justly observe depends upon her own Virtue. Arts & Manufactures aided by Commerce have raised Great Britain to its present Pitch of Grandeur. America will avail herself by imitating her. We have already seen her troops and *as we have a Prospect of a War*

[1] Before alteration, this sentence read: "But the Body of the people are too contemptible to be favord with a Sight of them."

[2] Originally "Head."

I hope I may safely tell you that our *young Men* begin to be ambitious of making themselves perfect Masters of the Art *military*. Amidst the innumerable Evils which we complain of from the bad policy of *your* Ministry, this is the happy Effect of Britains transplanting her Arms into America.

TO JOSIAH WILLIAMS.

[MS., Samuel Adams Papers, Lenox Library; a text, with variations, is in W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 341, 342.]

BOSTON Novr 23 1770

MY DEAR SR

When you embarkd for London I promisd you I would write by the next Ship. I did not write—but it was owing to incessant Avocations at Cambridge & not to an unmindfulness of my promise or a Want of Inclination to fulfil it. I hope ere now you are safe arrivd. You are then a Sojourner in one of the most opulent and most luxurious Cities in the World. Musick is your dear Delight—there your taste will be improvd. But I fear that Discord will too often discompose you, and the rude Clamors against your Country will vex you. I rely upon it that your own good Sense will dictate to you that which will sufficiently vindicate your Country against foul Aspersion whenever you may meet with it; and I cannot entertain the least Doubt but you are possessd with all that patriotick Zeal which will for ever warm the Breast of an ingenuous young Gentleman. Such a Zeal temperd with a manly Prudence will render you

respectable in political Circles of Men of Sense. I am sure you will never condescend to be a Companion of Fools. After telling you what I know will be agreable to you, that your friends are well, you must allow me to plead haste & conclude at present with my best Wishes for your Prosperity.

ARTICLE SIGNED "A CHATTERER."

[*Boston Gazette*, December 3, 1770.]

We should all remember that British America was well affected to the nation till MINISTERIAL INNOVATIONS *occasion'd these* Difficulties. Anon.

Instead of submitting *to* MINISTERIAL GUIDANCE, *they seem so far led away by* common Sense, *and their Regard for* the common Welfare, *that they have no* Reverence *for the* INSTRUCTIONS *and* REFINEMENTS *of our* Ministers. Ibid.

Messieurs PRINTERS,

SOME time ago I took the liberty of making a few remarks in my poor manner, upon a *Speech* deliver'd at the close of a session of the General Assembly: I then thought, and still think that I had good right and lawful authority so to do, notwithstanding the rebuke which the *venerable* Mr. Probus [1] then "thought fit" to give me. In imitation of some of my *brethren*, I solemnly warned my readers, by way of application, of the danger of certain *Instructions*, or as they were term'd, "*ministerial mandates*" we had about that time been told of; which appear'd to me to be equal to that of *revenue acts*, or *standing*

[1] See above, p. 43.

armies to *enforce* them: I little thought that these instructions, or mandates, call them what you will, would in their effects have made so rapid a progress, in so short a time, as I find they have since *the present administration* began: For I perceive that our house of representatives have plainly told the Lt. Governor that "merely in obedience to *instructions*, he has made an *absolute surrender* of Castle William to his Majesty's forces, with a *most express resignation* of his *power of garrisoning* the same to Lt. Col. Dalrymple": and to prove it they recite his Honor's orders *under his own hand*, to Capt. Phillips, to deliver that Fort into the hands of the commanding officer of his Majesty's regular forces then upon the island, *to be garrison'd* by such detachment as *he should order*! To this indeed his honor says, "There is nothing in the orders which I gave to Capt. Phillips, which does not perfectly consist with my retaining the command of the Castle, and my right to exchange the present garrison for the former or any other, as I shall think proper": But I must confess, it is mysterious to me, how his Honor can retain the Right to dismiss Col. Dalrymple and his detachment, *when he pleases*, or exchange the present garrison for any other *as he shall think proper*, after having delivered the fort without any reservation, into the hands of Col. Dalrymple, in consequence of *express orders* from another, to be garrison'd by such detachment *as he shall order*. I am not so certain that his Honor, who pays a sacred regard to instructions, will easily be perswaded to exchange the present garrison for the former, or any other, however necessary such

exchange may be, without first having leave from the right Hon. the Earl of Hillsborough, as full and *express* as the orders he receiv'd from his lordship to place the present garrison there—Others may reconcile an absolute delegation of power without any reserve, by the express orders of a superior, with a right retain'd in the person who is *thus order'd* to delegate, to exercise the same power when he pleases; I have not that *intuitive* knowledge which some men are said to be bless'd with, and therefore it will not be thought strange if I do not see clearly through this mystery in *Politics*.—The house further observe, that "as his Honor has heretofore repeatedly declared that he has no authority over the King's troops in the province,[1] it was absurd to suppose he *could* have the command of a fort, thus unreservedly surrendered to, and in full possession of such troops": Which appears to be a just conclusion; for can any one believe that Col. Dalrymple will hold himself oblig'd to march the King's troops under his command out of that fort, in obedience to the orders of one who has no authority over them? Think not, Mess. Printers, that I am now finding fault: For if his Honor has "in this instance divested himself of a power of governing which is vested in him by the Charter *for the safety* of the province", as wiser heads than mine have determin'd, who WILL DARE to find fault? It was done by virtue of instructions; and we are told that instructions from a minister of

[1] **The identical words used by that warm friend to this province, the colonies, the nation and all men *but himself*, Sir F. B. of Nettleham, Baronet.**

state come *mediately* from the K——, and his Honor knows that instructions, whatever "coarse epithet" may have been bestow'd upon them, are "founded in very wise reasons", and ought not to be treated with contempt—HOLT, SOMERS and others, who near eighty years ago laid their heads together to form our Charter, were certainly wise and great men; and King William who gave it was as certainly a wise and good King: But does not the wisdom of my Lord of H———h far exceed theirs? Pray, does not every measure which he has advis'd, fully evince this to the conviction of all but a few factious fellows here and there. The *friends of government* are willing to submit *what judgment they have* to such profound wisdom; and what if our *old fashion* Charter should be pared down by *instructions*, and a power or two of the G———r, vested in him *for the safety of the people*, should even be annihilated by them, we are only to *believe* there are very wise reasons for it, and we shall find that all is for the best.

But it is said that "Mr. Hall the late chaplain (whose deposition was also taken) has not only not given the House the form of words in which his Honor committed the *custody* of the Castle "according to the Charter" to Col. Dalrymple, but has substituted words which carry a very different meaning." —It is strange that Mr. Hall, whom his Honor directed to attend him—I suppose as a witness—should so grosly mistake the meaning of the words. But whatever he may lack in comprehension, memory or *veracity*, he shall, *if he likes it*, be touch'd up with the

reputation of a very *modest kind of gentleman*; "he has with *great modesty* declared that he *could not recollect the words*"—Mr. Hall's expression is, "*Perhaps* I *may* not recollect the words *exactly*";—and "could *only* recollect the impression they made upon his mind"—Here again we find Mr. Hall's expression to be, "This as far as I can recollect is the impression they made upon my mind." He spoke upon memory, and if he delivered the *substance* of what he heard, his not being certain that he recollected the words *exactly*, is not material—What then is the substance as deliver'd by Mr. Hall *under oath*, who has the character both of an honest and a sensible man, altho' it is said that he substituted words which convey a very different meaning? It is this; "By virtue of authority deriv'd from his Majesty to govern this province, and in consequence of *express orders* from the Right Hon. the Earl of Hillsborough to deliver this fort into the hands of the commanding officer of the King's troops now upon the island to be garrison'd by such detachment or detachments as *he shall think proper* I deliver these keys to you as commanding officer". If his Honor has a copy of the *exact form of words*, and will favor the publick with it, we shall be able to judge where the difference is, and whether "in our opinion" it is *material.* Perhaps the words "according to the Charter" which I observe are comma'd in his Honor's reply as emphatical, are omitted by Mr. Hall: But if *they* are a part of the *form of words*, the house seem to have fully taken them up by affirming that his Honor has no authority either *by the Charter* or his commission to

delegate the power of garrisoning the Castle to any other person: And "that the *shew* of the authority of the Governor thus held up serv'd only to make the surrender the more solemn and formal." If then he had no such authority to do it either by Charter or Commission, how could he do it by virtue of the authority deriv'd from his Majesty to govern the province? unless that authority is deriv'd to him to govern, *solely* by the "*express orders* from the Rt. Hon. the Earl of Hillsborough"—If so, where indeed "is the freedom of the Governor of this province": I desire to know, how his Honor in delivering the keys of the Castle and the power of garrisoning it to Col. Dalrymple, can be suppos'd to have exercis'd *his own* judgment and election, when he declares he did it in consequence of *express orders* from another? And that other does not appear to be his Majesty, but the Right Hon. the Earl of Hillsborough—The whole matter that could exercise his judgment, as it appears to me, must have been whether he should deliver the fort to Col. Dalrymple to be garrison'd by such detachment of the regular forces as he should think proper, in obedience to the *express orders* of Lord Hillsborough, or retain the Right of committing the custody and government thereof to such person or persons as to him should seem meet, by virtue of the authority deriv'd from his Majesty to govern the province according to the *express terms* of the Charter.

I may venture to say, there has not been an instance of this kind since the date of our Charter; and in the opinion of judicious and unprejudiced persons, it is a

matter of very great moment. Our enemies may now have the pleasure of seeing the principal fort & key of the province in the hands of persons who have not the least dependance upon it; the capital environ'd with ships of war; the General Assembly removed from its ancient seat, into the country; and the College, which has been liberally supported by the people for the education of our youth, has been made a seat of government, under a pretence, as it is said, of a prerogative in the Crown, to take up any public buildings;—All by virtue of instructions, which we are implicitly to believe are founded in wise reasons; while the people thro'out the province, whether they are sensible of it or not, are every day contributing to a revenue rais'd by the act of a legislature in which they are not and cannot be represented, and against their most earnest petitions and warmest remonstrances! Surely these are not the blessings of adm——n for which we are this week to return to Almighty God our unfeigned thanks.

When the public observe that the House had ordered Mr. Hall's deposition to be published at large, and that his Honor was *duly notified to be present* at the caption, perhaps it may be thought that the mention that is made of the "care *industriously* taken by the House to omit the reserve" Mr. Hall had made, because it "did not suit their purpose", might have been spared. Its not suiting their purpose, might be a sufficient reason for their omitting it: But possibly his Honor's manner of introducing it, may be taken by some "to convey a very different meaning."

As to "the formality of delivering the keys of the fort," I suppose it to have been in much the same *form of words*, as is used, when a governor who is recalled, delivers them to another who is to succeed him in the government of the province by his Majesty's appointment.—Col. Dalrymple accepted them "in consequence of orders from General Gage," without recognizing any subordination to his Honor. Whether he will ever deliver them to any person, but such as may claim more authority over the King's troops in the province than the Lieutenant Governor has, I very much doubt.—You shall hear from me again.——

In the mean while, I am yours,

A CHATTERER.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 10, 1770.]

To the PRINTERS,

THE trial of Capt. Preston and the Soldiers who were indicted for the murder of Messrs. Gray, Maverick, Caldwell, Carr and Attucks, on the fatal fifth of March last, occasions much speculation in this Town: And whatever may be the sentiments of men of the coolest minds abroad, concerning the issue of this trial, we are not to doubt, but the Court,[1] the Jury, the Witnesses, and the Council on both sides, have conscienciously acquitted themselves: To be

[1] The published report, cited above, p. 60, contains the charge to the jury as given only by Judge Trowbridge and Judge Oliver. All that is extant of Judge Lynde's charge to the jury is printed in *The Diaries of Benjamin Lynde and of Benjamin Lynde, Jr.*, pp. 228–230.

sure, no one in his senses will venture to affirm the contrary.

I am free to declare my opinion, that a cause of so great importance, not only to this town, but to all his Majesty's subjects, especially to the inhabitants of cities and sea-port towns; who are expos'd to have troops posted among them, whenever the present administration shall take it into their heads in his Majesty's name to send them; such a cause, I say, ought to be fairly stated to the public; that we may from thence learn how far we are bound to submit to every band of soldiers we may meet with in the streets, and in what instances we may venture to interpose and prevent their murdering those whom we may think to be innocent persons without being liable to be censured for acting unlawfully, if we escape with our lives, or charg'd with bringing our blood on our own heads, if we should fall victims to their rage and cruelty.

It was a question put by the chief magistrate of this province to the officer who commanded on that bloody evening, "Did you not know that you should not have fired without the order of a civil magistrate". And it was sworn in court in the case of Capt. Preston, that he answered, "I did it to save my Sentry": But whatever his answer was, or however "unsatisfactory" to his Honor, the question plainly implies that it was the judgment of his Honor, that the soldiers could not justify themselves in firing upon the people without the order of the civil magistrate. Yet they did fire without such orders, and killed five of his Majesty's good subjects; most,

if not all of whom were at that time, for aught that has yet appear'd, in the peace of God and the King! They not only fired without the orders of the civil magistrate, but they never called for one, which they might easily have done—They went down of their own accord, arm'd with musquets, and bayonets fix'd, presuming that they were cloath'd with as much authority by the law of the land, as the Posse Comitatus of the county with the high sheriff at their head—How little regard is due to the word of a m—r, who who would fain have flatter'd us into a belief that the troops were sent here to aid the civil magistrate, and were never to act without one? And let me observe, how fatal are the effects, the danger of which I long ago mention'd, of posting a standing army among a free people!

If his Honor was not mistaken in his judgment, and I presume he was not, viz. that it was unlawful for them to fire without the order of the civil magistrate, they were certainly from the beginning, at least very imprudent and fool-hardy, in going down, arm'd as they were, with weapons of death, without the direction of the civil magistrate; especially, if they intended to fire, if they should judge there should be occasion for it, as I think it is manifest they did.—When Captain Preston was asked, Whether the soldiers intended to fire, he answer'd they could not fire without his orders: No one will pretend that they had not strength or skill to pull their trickers; but by the rules of the army, their own rules, they were restrained from firing till he first gave them orders: Yet contrary to those very rules they all did fire; all

who had the audacity to refuse at their sovereign order to move out of the way for them as they pass'd the street from the main guard to the custom-house, tho' he had then been push'd with a bayonet by one of them, it is sufficient to convince all the world of their lamb-like meekness and immaculate innocence.

I have in a former paper consider'd soldiers when quarter'd in free cities, in the light of other inhabitants, under the same direction of the civil magistrate and the same controul of the law of the land: and that by this law, like all other men, they are to be protected, govern'd, restrain'd, rewarded or punish'd. If then a soldier has the right in common with other men, to arm himself for his defence when he thinks there is a necessity for it, he has certainly no more right than they, to use his weapons of death at random; or at all under a pretence of suppressing riots, or any other pretence, without the presence of the civil magistrate, unless his own life is in danger, and he cannot retreat: Such a liberty would tend to increase the disorder rather than suppress it, and would endanger life rather than save it: In the instances I have mention'd, the lives of the soldiers were not in danger from the men whom they assaulted: This was early in the tragical scene, and it was an assault personally upon those who had not attempted to do them the least injury: How far their lives were in danger afterwards, and who were in fault, shall be the subject of free Enquiry in a future paper.

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bayonet and damn'd him—that about fifty or sixty persons came down with the party, and that he did not observe the people press on. Another declared, that when the soldiers were loading, about a dozen surrounded them, and that several of them struck their guns—that he saw ice or snow balls thrown, but did not apprehend himself or the soldiers in danger by any thing he saw—This witness was very near the soldiers; and will any one wonder, that when the soldiers were to all appearance meditating the death of people by loading their guns, while there was no apparent danger to them, some of the people should strike their guns, to prevent the mischief which they seem'd to be resolv'd upon.

Another declared, that one of the prisoners whom he also named, struck him upon the arm with his bayonet as the party came down before they formed; and that he had then told Capt. Preston that every body was about dispersing—The characters of these witnesses will not be contested. Such a conduct surely did not discover the most peaceable disposition in this lawful assembly of soldiers—One would think that they intended to assassinate those, who they had no reason to think had the least inclination to injure them—If these are not instances of assault, I know not what an assault is: And if they were not an unlawful assembly before, it may well be suppos'd they were at this time doing an unlawful act—an act that to be sure very ill became gentlemen soldiers sent here to curb a rebellious spirit and keep the peace: But there is a colouring at hand; and because this party did not knock a witness down, or run him thro',

who had the audacity to refuse at their sovereign order to move out of the way for them as they pass'd the street from the main guard to the custom-house, tho' he had then been push'd with a bayonet by one of them, it is sufficient to convince all the world of their lamb-like meekness and immaculate innocence.

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ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December, 17, 1770.]

To the PRINTERS.

THAT the trial of the soldiers concern'd in the carnage on the memorable 5th of March, was the most solemn trial that ever was had in this country, was pronounc'd from the bench. To see eight prisoners bro't to the bar together, charg'd with the murder of five persons at one time, was certainly, as was then observ'd, affecting: But whoever recollects the tragedy of that fatal evening, will I believe readily own that the scene then was much more affecting—There is something pleasing and solemn when one enters into a court of law—Pleasing, as there we expect to see the scale held with an equal hand—to find matters deliberately and calmly weigh'd and decided, and justice administered without any respect to persons or parties, and from no other motive but a sacred regard to truth—And it is solemn as it brings to our minds the tribunal of GOD himself! before whose judgment-seat the scriptures assure us all must appear: And I have often tho't that no one will receive a greater share of rewards at that decisive day, than he who has approv'd himself a faithful upright judge.

Witnesses who are bro't into a court of justice, while their veracity is not impeach'd, stand equal in the eye of the judge; unless he happens to be acquainted with their different characters, which is not presum'd—The jury who are taken from the vicinity, are suppos'd to know the credibility of the witnesses: In the late trials the witnesses were most

if not all of them either inhabitants of this town or transient persons residing in it, and the jurors were all from the country: Therefore it is not likely that they were acquainted with the characters of all the witnesses; and it is more than probable that in so great a number of witnesses there were different characters, that is, that some of them were more, others less creditable. If then the judge, whose province it is to attend to the law, and who, not knowing the characters of the witnesses, presumes that they are all good, & gives an equal credit to them, it is the duty of the jurors who are sovereign in regard to facts, to determine in their own minds the credibility of those who are sworn to relate the facts: And this in a trial for murder requires great care and attention. I would just observe here, that in the last trial there were not less than eighty-two witnesses for the jury to examine and compare, which was an arduous task indeed! And I will venture further to observe, that some of these witnesses who swore very positively were not so creditable as others, and the testimony of one of them in particular, which was very precisely related & very peremptory, might have been invalidated in every part of it. I shall not at present suggest what I take to be the reason why it was not done. These matters will no doubt have their place in the history of the present times in some future day, when the faithful recorder it is to be hoped will, to use the language of our courts of justice, relate the truth, the whole truth, and nothing but the truth.

It is enough for the jury to receive the law from

the bench: They may indeed determine this for themselves; but of facts they are ever the uncontroulable judges. They ought therefore to receive the facts from the mouths of the witnesses themselves, and implicitly from no other: Unless the jury particularly attend to this, they may be in danger of being misled by persons who would be far from doing it with design: For instance, if one should swear that A being forewarn'd against it, levell'd his gun and kill'd B: and afterwards it should be forgot, that the witness also swore that A immediately advanc'd & push'd his bayonet at C, which pass'd between his waistcoat and his skin; if this I say should be forgot, and should be overlook'd by the jury when they are together, perhaps instead of bringing it in murder according to the rules of the law laid down by the bench, they would bring it in manslaughter—I do not here affirm that this has ever been a fact: I mention it as what may hereafter be a fact, and to show the necessity of a jury's relying upon facts as they receive them from the witnesses themselves, and from them alone.

The furor brevis which we have heard much of, the fury of the blood which the benignity of the law allows for upon sudden provocation, is suppos'd to be of short duration—the shooting a man dead upon the spot, must have stopp'd the current in the breast of him who shot him, if he had not been bent upon killing—an attempt to stab a second person immediately after, infers a total want of remorse at the shedding of human blood; and such a temper of mind afterwards discovers the rancorous malice be-

fore, especially if it be proved that the same man had declared that he would never miss an opportunity so to do: If this does not imply malice at first, I do not see but he might have gone on stabbing people in his furor brevis, till he had kill'd an hundred; and after all, it might have been adjudg'd, in indulgence to the human passions, excuseable homicide.

The law in its benignity makes allowance for human passions: But the law is just; and makes this allowance upon the principle of justice: It gives no indulgence to malice and rancour against any individual; much less against a community or the human species—He who threatens or thirsts for the blood of the community is an enemy to the publick; and hostis humani generis, the enemy of mankind consummates the villain. I will not take upon myself to say that either of these characters belong to any of the late prisoners—There are two remaining yet in gaol, convicted of manslaughter, and waiting for the judgment of the court. With regard to one of these, namely, Kilroi, it was sworn that about a week or a fortnight before (the 5th of March, which must be before the affray at the ropewalks, that happening on the 2d) he said he would never miss an opportunity of firing upon the inhabitants, and that he had wanted such an opportunity ever since he had been in the country —It is said that these might be words spoken in jest, or without any intention, when they were spoken, of acting according to their true import & meaning: But the witness said, he repeated the words several times: And that after he had told him he was a very great fool for saying so, he again declared he would

never miss an opportunity.—It appears that the witness himself, as any one might, tho't him to be in earnest, and rebuked him for saying so; and in truth, none but a madman, or one whose heart was desperately wicked, would repeatedly, especially after such wholesome reproof, have persisted in such a threat; It discovered, to borrow the expression of a very polite & humane gentleman, upon another late occasion, a malignity beyond what might have been expected from a Barbarian.

It was also sworn, that this same Kilroi was with a party of soldiers in the affray at the Ropewalks a few evenings before the 5th of March,—and that they had clubs & cutlasses—That Kilroi was of the party of soldiers that fired in King-street—that as the party came round before they form'd, Kilroi struck a witness upon his arm—and after the firing began, Kilroi struck at the same witness, tho' he had hear'd nothing said, nor seen any thing done to provoke the soldiers.—Another witness declared, that he saw Kilroi there, that he knew him well before, and was positive it was he—that he heard the word fire, twice, upon which he said to the soldiers, damn you, don't fire, and Kilroi fired at once, and killed Gray, who had no weapon, and his arms were folded in his bosom. Gray fell at the feet of this witness, and immediately Kilroi pushed his bayonet at the witness, which pass'd thro' all his clothes, and came out at his surtuit behind, and he was oblig'd to turn round to quit himself of the weapon—the witness suppos'd he designed to kill them both.—How long is this furor brevis, this short hurricane of passion to last in the breast of a

soldier, when called, not by the civil magistrate, but by his military officer, under a pretence of protecting a Centinel, and suppressing a Riot? who had taken with him weapons, not properly of defence, but of death, and was calm enough in this impetuosity of anger, to load his gun, and perhaps with design, to level it, for it killed one of the very men with whom he had had a quarrel but a few evenings before: He had now a fair opportunity, which he had wished for, and resolved never to miss, of firing upon the inhabitants. It was said upon the words he uttered, that if all the unjustifiable words that had been spoken by the inhabitants of this town, were to be bro't in judgment against them, they would have much to answer for.—Those who believe the letters of governor Bernard, the Commissioners of the customs, and some others whom I could name, and will name in proper time, may think so. I dare say, if Bernard could have proved one overt-act of rebellion or treason, after the many things he pretended had been said, and he or his tools could have had any influence, the words if prov'd, would have been adjudg'd to have been said in sober earnest, and would have been considered as material to have shown the malignancy of the heart.

This Kilroi's bayonet was prov'd to be the next morning bloody five inches from the point. It was said to be possible that this might be occasion'd by the bayonet's falling into the human blood, which ran plentifully in the street, for one of their bayonets was seen to fall. It is possible, I own; but much more likely that this very bayonet was stab'd into the head of poor Gray after he was shot, and that this may ac-

count for its being bloody five inches from the point —Such an instance of Savage barbarity there undoubtedly was.—It was sworn before the Magistrate who first examined into this cruel tragedy, though the witness who then swore it, being out of this province, could not be produced in Court upon the trial. It is not to be wonder'd at that any material witness was out of the way, when it is consider'd that the trial did not come on till the second term, and nine months after the facts were committed. I shall continue the subject at my leisure.

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Dec. 11th.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 24, 1770.]

To the PRINTERS.

In the late trials of Preston and the Soldiers, it was observ'd that the Court constantly from day to day adjourn'd at noon and at sun-set—Our enemies, who are fruitful in their inventions, may possibly from hence take occasion to represent that it was dangerous for the Court to sit in the tumultuous town of Boston after dark. At the first view it may perhaps bear this complexion in the eye of a prejudiced stranger; for such adjournments in capital causes it may be were never before known here: But the representation would be without the least foundation in truth. It is possible that among other reasons this might be one, that the judges are all of them, to use the words of a

good old Patriarch, well stricken in years, and one of them labours under infirmities of Body. I have another observation to make on this occasion, but I reserve it till a future opportunity.

I have already said that the Soldiers in coming down from the main-guard to the custom-house behaved with an haughty air—that they abused the people as they pass'd along—pushing them with their bayonets—and damning them; and when they had got to their post, they in like manner abused and struck innocent persons there who offer'd them no injury—and all this was even before they form'd, in doing which it does not appear that they were obstructed; and as the witnesses declared, before the people press'd upon them, if they did at all, and when there did not appear to be danger to them or any one else. These facts, I think were prov'd, if we may believe persons of good credit, who declared them upon their oaths in Court:—And that they came down under a pretence of suppressing a riot, without a civil magistrate or peace officer, which ought always to be remembered, no one will dispute.

There was indeed a sort of evidence bro't into Court, which, if it is at all to be rely'd upon, may serve to invalidate in some measure what has been said—namely the declaration of one of the deceas'd persons, as it was related by the gentleman who dress'd his wounds, and to whom he is said to have declared it. This man, as the doctor testified, told him among many other things, that he saw some Soldiers passing from the main-guard to the custom-house and the people pelted them as they went along. But whether

these Soldiers were Preston and his party; or other Soldiers who are mention'd by another witness, as going from the main-guard towards the Centry, having short coats and arm'd with bayonets, swords or sticks, and one of them with a pair of kitchen tongs, chasing the people as they went, must remain an uncertainty — If he meant the former, it is somewhat strange that among all the witnesses on both sides, no one saw the people pelting them as they went along but he. This man confess'd to the doctor that he was a fool to be there—was surprized at the forbearance of the soldiers; believed that they fired in their own defence & freely forgave the man that shot him. But it is to be observed, he did not declare this under oath nor before a magistrate: It was however the dying speech,—very affecting and all, true no doubt; altho' no one knew the character of this believing penitent either in point of veracity or judgment.—By the testimony of his land-lady in Court, one would not form the best opinion of him; but de mortuis nil nisi bonum.

Patrick Carr.

There were others ready to be sworn, if the Council for the crown had thought it worth while to have bro't them forward, that they also could relate what this man had told them, viz. that his doctors had encouraged him that he would soon recover of his wounds, and he hoped to live to be a swift witness against the soldiers—Great stress was laid by some upon the simple declaration of this man, who in all probability died in the faith of a roman catholick. This however, I am apt to think, will not disparage his declaration in the opinion of some great men at

home, even tho' he did not make his confession to a ghostly physician.

Before I proceed to enquire into the danger the Soldiers were in, if they were in any at all, and who were in fault, I will take the liberty to lead the reader back to a consideration of the temper the Soldiers in general discovered, and their correspondent conduct, for some considerable time before the fatal tragedy was acted—It is well known indeed that from their first landing, their behavior was to a great degree insolent; and such as look'd as if they had enter'd deeply into the spirit of those who procur'd them,—and really believed, that we were a country of rebels and they were sent here to subdue us. But for some time before the fifth of March, they more frequently insulted the inhabitants who were quietly passing the streets; and gave out many threats, that on that very night the blood would run down the streets of Boston, and that many who would dine on Monday would not breakfast on Tuesday; and to show that they were in earnest they forewarn'd their particular acquaintance to take care of themselves—These things were attested before the magistrates by credible persons under oath.—Accordingly when the Monday evening came on, they were early in every part of the town arm'd with bludgeons, bayonets and cutlasses, beating those whom they could, and assaulting and threatning others—By the way, I will just observe for the information of a certain honorable gentleman, that the name of bludgeons was unheard of in this town till the Soldiers arrived—This behavior put the inhabitants in mind

of their threatenings; and was the reason that those of them who had occasion to walk the streets, came out arm'd with canes or clubs. Between eight and nine o'clock, the Soldiers in Murray's barracks in the centre of the town rush'd out with their naked cutlasses insulting, beating and wounding the inhabitants who were passing along: This, in so frequented a street, naturally collected numbers of people who resented the injury done and an affray ensued—About the same time a difference arose in King-street, between a centry there and a barber's boy, who said to his fellow-apprentice in the hearing of the centry "there goes Capt. —— who has not paid my master for dressing his hair:" The centry foolishly resented it, and words took place; and the boy answering him with pertness, & calling him a name, the centry struck him. Here was the first assault in King-street.—But for what reason the evidence of this matter was not bro't into Court, at the last trial, as it had been at the trial of Preston, the reader if he pleases may conjecture. At the same time a gentleman not living far from the custom-house, and hearing as he tho't a distant cry of murder, came into the street, which he had just before left perfectly still, and to use his own words, "never clearer": He there saw a party of Soldiers issue from the main-guard, and heard them say, damn them where are they, by Jesus let them come; and presently after another party rush'd thro' Quaker-lane into the street, using much such expressions:—Their arms glitter'd in the moon-light. These cried fire, and ran up the street and into Cornhill which leads to Murray's

barracks; in their way they knocked down a boy of twelve years old, a son of Mr. Appleton, abused and insulted several gentlemen at their doors and others in the street:—Their cry was, damn them, where are they, knock them down; and it is suppos'd they join'd in the affray there, which still continued —They also then cried fire, which one of the witnesses took to be their watch-word.

By this time the barber's boy had return'd to the centry with a number of other boys to resent the blow he had received: The centry loaded his gun and threatened to fire upon them, and they threatened to knock him down—The bells were ringing as for fire: Occasion'd either by the Soldiers crying fire as is before mention'd, for it is usual in this town when fire is cried, for any one who is near a church to set the bells a ringing; or it might be, to alarm the town, from an apprehension of some of the inhabitants, that the Soldiers were putting their former threats into execution, and that there would be a general massacre: It is not to be wonder'd at, that some persons were under such apprehensions; when even an officer at Murray's barracks, appeared to encourage the Soldiers and headed them, as it was sworn before the magistrate.—This officer was indicted by the grand jury, but he could not be found afterwards—Some other officers, and particularly lieutenants Minchen and Dickson, discovered a very different temper.

The ringing of the bells alarmed the town, it being suppos'd by the people in general there was fire; and occasion'd a concourse in King-street which is a

populous part of it. As the people came into the street, the barber's boy told them that the centry had knock'd him down—and a person who had come into the street thro' Royal-exchange lane, which leads from Murray's barracks, (and possibly had observ'd the behavior of the Soldiers there) and seeing the centry, cried here's a Soldier—Various were the dispositions and inclinations of the people according to their various "feelings" no doubt; for mankind, it is said, "act from their feelings more than their reason:" The cooler sort advis'd to go home: The curious were willing to stay and see the event, and those whose feelings were warmer, perhaps partook of the boys resentment. So it had been before at Murray's barracks, and so it always will be among a multitude: At the barracks some, to use the expression of one of the witnesses, called out home, home; while some in their heat cried, huzza for the main-guard—there is the nest—This was said by a person of distinction in court, to savour of treason! Tho' it was allow'd on both sides, that the main-guard was not molested thro' the whole evening.

I would here beg the reader's further patience, while I am a little more particular, in relation to the affray at Murray's barracks; for it may be of importance to enquire how it began there.—Mr. Jeremiah Belknap, an householder of known good reputation, had been sworn before the magistrate; and why he was not bro't in as a witness at the trial, is not my business to say, and I shall not at present even conjecture—Mr. Belknap, who lived in Cornhill near Murray's barracks, testified, that on the first appearance of the

affray there, hearing a noise he ran to his door, and heard one say he had been struck by a Soldier: he presently saw eight or nine Soldiers arm'd with clubs and cutlasses, come out of Boylston's alley, which is a very short passage leading from Murray's barracks into the street—he desired them to retire to the barracks—one of them with a club in one hand and a cutlass in the other, with the latter, made a stroke at him: Finding no prospect of stopping them, he ran to the main-guard and called for the officers of the guard—he was inform'd, there was no officer there—he told the Soldiers, that if a party was not sent down there would be bloodshed; upon which he was attacked by two Soldiers, with drawn cutlasses, who he suppos'd were of the party from Murray's barracks—Another gentleman, one of the prisoners witnesses, swore in Court, that a little after eight o'clock he saw at his own door, which is very near the barracks, several Soldiers passing and repassing, some with clubs, others with bayonets: And then he related the noise & confusion he afterwards heard, & the squabble he saw, but no blows—that he saw two Soldiers, each at a different time, present his gun at the people, threatning to make a lane through them; but the officers drove them in—The tragedy was compleated very soon in King-street—The firing was reserv'd for another party of Soldiers, not much if at all to their discredit in the judgment of some, and under the command of an officer who did not restrain them. The witness heard the report of the first gun soon after the people cried home, home; and declared that he tho't they had fired upon the main guard, for he heard

the drum at the main guard beat to arms—Another, who was sworn in Court, a witness for the Crown declared, that about nine o'clock, passing near Draper's (or Boylston's) alley, which leads into Murray's barracks, and thro' which he intended to go, he heard some boys huzzaing—he judged there were not more than six or seven, and they were small; they ran thro' dock-square towards the Market—Presently after he saw two or three persons in the alley with weapons—a number of Soldiers soon sallied out, arm'd with large naked cutlasses, assaulting every body coming in their way—that he himself narrowly escaped a cut from the foremost of them who pursued him; and that he saw a man there, who said he was wounded by them and he felt of the wound—The wounded man stopped, and this occasioned the people who were passing to gather round him—Thinking it dangerous for him to proceed, the witness returned home—A Captain of the 14th, one of the prisoners witnesses was also sworn in Court: He testified that in Cornhill he saw a mob collected at the pass (Boylston's alley) leading to Murray's barracks—the people were pelting the Soldiers and they were defending themselves—one of the Soldiers he tho't had a fire-shovel—as soon as they knew him, he prevailed on them to go to the bottom of the pass, and with some difficulty he got down—This witness, it seems, must have been later than the others; and Mr. Belknap, perhaps gives as early an account of it, as any can, but the Soldiers themselves.

I would only ask how it came to pass that the Soldiers, on that particular evening, should be seen abroad, in every part of the town, contrary to the

rules of the army, after eight o'clock—If the officers, who should have restrain'd them, were careless of their duty, whence was so general a carelessness among the officers at that juncture? It was said, there was no officer at the main-guard, which may in part account for it. Or, if the Soldiers were all at once ungovernable by their officers, and could not be restrain'd by them, a child may judge from the appearance they made, that there had been a general combination, agreable to their former threats, on that evening to put in execution some wicked and desperate design.

VINDEX.

Dec. 18th.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 24, 1770.]

To the PRINTERS.

SOMEBODY, in Mr. Draper's paper of Thursday last, charges me with *Partiality*, in my two first performances on the subject of the late Trial—*I deny the Charge, and desire he would explain himself.* He also says, I freely charge *Partiality* on others: *I utterly deny that also; and call upon him to point out one Instance.* He desires the publick would not be influenced by any remarks made by me on the late Trials: *With regard to that, the publick will do as they please.* He *insinuates* that I have cast the most *injurious* reflections upon Judges, Jury and Witnesses: *Again, I deny it.*—It remains then that he either retracts his charges or proves them: Otherwise

the publick will judge him to be guilty of something worse than "*the fault*" *of Partiality.* He *threatens* to bring out some facts which were not allowed to be given in evidence: *This is what I earnestly desire, for the reasons I have already mention'd.* And among other *facts* he intends, to *ascertain the* person *in a red Cloak*, mention'd on the trial, *if Vindex and his* Adherents *desire* it: Vindex has no Adherents but in the cause of truth: And Vindex, *for the sake of truth, requests it as a favor that the person in a red Cloak may be ascertained.* He says that this person *was declared by some of the witnesses, to have been very busy at the beginning of the Tragedy;* I affirm, that neither of the witnesses declared that he was *very busy* at the beginning, or any part, of the Tragedy. There were two only that made mention of him, viz. Mr. *William Hunter* & Mr. *James Selkrig:* The one declared that in dock-square "there was a tall gentleman in a red Cloak; that he stood in the midst of them (the people); that they were whist for some time, and presently huzza'd for the main guard: The other said, there was a gentleman with a red Cloak & a large white Wig; that he made a speech to them (the people) 4 or 5 minutes—(this witness mention'd nothing of their *huzzaing* for the main guard, which one would have thought must have been *observable* by *all*, but only adds) they went and knock'd with their sticks, and said they would do for the soldiers—What *the tall gentleman* said, neither of them could tell.—I cannot help observing here, that some of the late *letter-writers* from hence to London, have mark'd the *red Cloak and white Wig*,

as the garb of a Boston *Hypocrite*; but I have never yet heard it hinted, that such a dress was the peculiarity of an *actor* in *Tragedies*—Great pains have been taken to make the world believe that men of "estates, of figure and religion" had formed a plan, *before the 5th of March*, to drive off the soldiers; witness a *deposition lately publish'd:* And perhaps it may be the *low cunning* of this writer to *insinuate*, that there was a mob at that time, *and for that purpose*, on dock-square; and that their leader *must* be a man of figure in the town, *because he wore a red Cloak*—As it is not yet known what the *tall gentleman with a red Cloak* said to the people; whether he gave them good or ill advice, or any advice at all, we may possibly form some conjecture concerning it, when his *person* is ascertained. *The sooner it is done the better.*

VINDEX.

Dec. 22.

TO JOHN WILKES.

[MS., British Museum; a draft is in the Samuel Adams Papers, Lenox Library; a text is in W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 377, 378.]

BOSTON Decr 28 1770

SIR

Having been repeatedly sollicited by my friend, Mr William Palfrey,[1] I embrace this opportunity of making my particular compliments to you, in a Letter which he will deliver. My own Inclination has coincided with his Request; for I should pride myself much, in a Correspondence with a Gentleman, of whom I have long entertaind so great an Opinion.

[1] See above, page 9.

—No Character appears with a stronger Luster in my Mind, than that of a Man, who nobly perseveres in the Cause of publick Liberty, and Virtue, through the Rage of Persecution: Of this, you have had a large Portion; but I dare say, you are made the better by it: At least I will venture to say, that the sharpest Persecution for the sake of ones Country, can never prove a *real Injury* to an honest Man.

In this little Part of the World—a Land, till of late happy in its Obscurity—the Asylum, to which Patriots were formerly wont to make their peaceful Retreat; even here the stern Tyrant has lifted up his iron Rod, and makes his incessant Claim as *Lord of the Soil*: But I have a firm Perswasion in my Mind, that in every Struggle, this Country will approve her self, as glorious in defending & maintaining her Freedom, as she has heretofore been happy in enjoying it.

Were I a Native and an Inhabitant of Britain, & capable of affording the least Advice, it should constantly be; to confirm the Colonies in the fullest Exercise of their Rights, and even to explore for them every possible Avenue of Trade, which should not interfere with her own *Manufactures*. From the Colonies, when she is worn with Age, she is to expect renewed Strength. But the Field I am entering, is too large for the present: May Heaven forbid, that it should yet be truly said of Great Britain, *Quam Deus vult perdere*,—!

I am with strict Truth
Sir
Your most humb^{e} Servt

ARTICLE [SIGNED "VINDEX."][1]

[MS., Samuel Adams Papers, Lenox Library.]

To the Printer

In my last I considerd the Temper which the Soldiers in general had discoverd and the threats they had [utter'd] previous to the fifth of March together with their *correspondent* Behavior on that alarming Evening. I was the more brief, because there had been a narrative of the *horrid massacre*, printed by the order of this Town, which was drawn up by a Com^t^ appointed for that purpose; and reported by their Chairman, James Bowdoin Esqr. The affidavits which are annexd to the narrative were each of them taken before two Justices of the Peace *Quorum Unus* to perpetuate the remembrance of the thing: Coll William Dalrymple, chiefe Commander of the Soldiers, was duly notified by the Justices to attend the Captions: And His Honor the Lt Governor certified, under his Hand with the province Seal annexd, that full faith & Credit was & ought to be given to the several Acts & Attestations of the Justices, both in Court & without.

The Candor of the Town indeed was such, that at their meeting in March,[2] by a Vote they restraind their Committee from publishing the narrative, lest it might unduly prejudice those whose lot it should be to be jurors to try these Causes: This restraint they continued by a Vote at their meeting in May,[3] &

[1] This article in the form as published is printed at pages 110–122.

[2] March 26. *Boston Record Commissioners' Report*, vol. xviii., p. 20.

[3] On July 10, the town meeting defeated a motion that the printers be allowed to sell the printed narrative. *Ibid.*, p. 34.

untill the Trials should be over . . . plaud; as it discoverd a Sense of Justice; as well as the greatest Humanity[1] towards those men who had wantonly spilt the hearts Blood of *Citizens* like Water upon the Ground. A Temper far from vindictive; calm and moderate, at a time, when if ever they might have been expected to be off their Guard: And yet, so barbarous & cruel, so infamously mean & base were the Enemies of this Town, who are the *common* Enemies of all America & of the Truth it self, that they had falsly inserted in the publick news papers in London, that *the Inhabitants had seizd upon Capt Preston & hung him like Porteus upon a Sign Post*!—

I shall now in a few . . . endeavor to show the Temper which some of the Soldiers, (by whom I do not now particularly mean the late Prisoners), discoverd at & after the fatal Catastrophes. Readers may have observd, that I am careful to distinguish between the evidence given in Court from that which was given out of Court; Witnesses to this point, it ought not to be supposd, were admissible at the Trial, unless perhaps the one immediately following: That is a credible Person, who is mistress of a reputable family in the Town. She testified before the Magistrates, & was ready to swear it in Court, if she had been called, that on the Evening of the 5 of March a number of Soldiers were assembled from Greens Barracks & opposite to her Gate, which is near those Barracks—that they stood *very still* until the Guns were fired in Kingstreet; then they clapd their Hands & gave a Cheer, saying, *this is all we want;* they then

[1] The words "& Impartiality" were stricken out at this point.

ran to their Barrack & came out again in a few minutes, *all with their arms*, & ran towards Kingstreet.[1] These Barracks were about a quarter of a mile from Kingstreet: Their standing *very still*, untill they heard the firing, compared with their subsequent Conduct, looks as if they expected it; it seems, as though they *knew* what the *Signal* should [be], & the part they were to act in Consequence of it. This perhaps may be thought by some to be too straining: I will not urge it, but leave it to any one to judge, how far if at all, it affords Grounds of Suspicion, that there was an *understanding* between the Soldiers in Kingstreet at the time of the firing & these; especially, if it be true as has been said, that they fired *without the Command of their officers*—There was another Witness similar to this; an housholder of good reputation, who testified, that the Soldiers from Greens Barracks rushd by him *with their Arms* towards Kingstreet, saying *this is our time or chance;* that he never saw[2] Dogs so greedy for their prey as they seemd to be, and the Sergeants could hardly keep them in their ranks.[3]

Another swore, that after the firing, he saw the Soldiers drawn up in the Street, and heard Officers [as] they walked backwards & forwards say, *Damn it, what a fine fire that was! How* bravely *it dispersd the mob!*[4] A person belonging to Hallifax in Nova Scotia, testified that when the Body of troops was drawn

[1] **see Narrative first Edit. Apendix page 68.**
[2] At this point the words "Men or" were stricken out.
[3] **Idem.**
[4] **page 69.**

up before the Guard house (which was presently after the Massacre) he heard an officer say to another, that *this was fine work, just what he wanted.*[1] I shall add but one more to this List, and that is the Testimony of a Witness, well known for an honest man in this Town, who declared, that at about one o'Clock the next morning, as he was going alone from his own house to the Town House, he met a Sergeant of the 29th with Eight [or] nine Soldiers, *all with very large Clubs & Cutlasses* when one of them speaking of the Slaughter, *swore by God it was a fine thing & said you shall see more of it.*[2] These Testimonies it is confessd would not be pertinent to the Issue of the late Tryal: But I think it necessary to adduce them here to convince the World of the wretched Condition this town was in, the Reasons they had to apprehend & the necessity they were under constantly to be upon their Guard while such were quarterd among them: Much was brot into Court to show that the Town was in a State of disorder on the Evening of the 5 of March previous to the Affray at Murrays Barracks; Witnesses were *admitted* to testify that they were met by one & another armd with Clubs.[3] But Nothing

[1] page 22.

[2] Page 61.

To these, I cannot help subjoining the Testimony of Mr *John Cox*, a very reputable Inhabitant of this town; who swore in Court at one of the late trials, that after the firing, he went to take up the dead—that he told the Soldiers, it was a cowardly trick in them to kill men within reach of their Bayonets, *with nothing in their* hands, and that the officer said, *damn them, fire* again *& let them take the Consequence!*—to which he replyd you have killed . . . already to hang you all—But he was mistaken.

[3] The remainder of this paragraph is crossed out in the draft. *Cf.*, page 108.

appeard there to show the Cause & even the Necessity of it.[1] /It is a Mistake to say the soldiers were in danger from the Inhabitants. /The reverse is true; the Inhabitants were in danger from the Soldiers. With all the Indulgence which was & perhaps ought to be shown to Prisoners upon Tryal for Life, not a single Instance of any Injury offerd to Soldiers was provd, except at Murrays Barracks, & not even there but in return for intollerable Insults. Many Witness-[es] were ready if called for to testify to the Insults & Abuse offerd by the Soldiers to the Inhabitants in various parts of the Town.

Thus one of the prisoners Witnesses testified in Court that at 7 o'Clock going to the South End he met forty or fifty in small Parties, four or five in a party. / It has been testified by a credible Witness that . . . before the fifth of March, the Soldiers were not only seen making their Clubs, but from what the Witness could collect from their Conversation, they were resolvd *to be revengd* on Monday[2] and divers others swore to the same purpose;/ They did not indeed say, whether they *knew* them to be soldiers or Inhabitants: It is as probable that they were Soldiers as Inhabitants; for it was sworn before the magistrates by a person of Credit, that on the Saturday be-

[1] Narrative Appendix page 4.

[2] id. pa. 4—this alludes to the affrays at the ropewalk: The Soldiers at Greens Barracks had made three Attacks upon the ropemakers when they were at their Work, in revenge for one of them being told by one of the hands in the Walk, that "if he wanted work he might empty his Vault." Enough to enkindle the flame of resentment in the Breast of a *common* Soldier, who of all men has the most delicate Sentiments of honor! Two of the prisoners were of the party in these noble Exploits, as was testified in Court.

fore he saw *the Soldiers* making Clubs; Another was ready to testify in Court that thirty of these Clubs or *Bludgeons* were made, *by the Soldiers*, in his own Shop. And in the part of the Town where the Witness was going, a Gentleman was attackd by two Soldiers, one of them armd *with a Club* & the other with a broad Sword; the latter struck him, & threatned that he should *soon hear more of it.* It was notorious that the Soldiers were seen frequently on that evening armd *with Clubs*—but in the *Judgment* of some men, every party that was seen with *Clubs*, or in the modern term, *Bludgeons*, to be sure must have been Inhabitants. If the Soldiers were in such Danger why were they not kept in their Barracks after Eight o'clock agreable to their own orders? In stead of this we find the Testimony of a person, who was not an Inhabitant of the Town, that being at the South End on that Evening *exactly at Eight o'Clock* he saw there Eleven Soldiers: An officer met them . . . orderd them to appear at their respective places *at the time*: and if they should see any of the Inhabitants of the Town, or any other people not belonging *to them*, with Arms, Clubs or any other warlike weapon *more than two* being assembled together *to order them to stop*, & if they refusd, *to stop them with their firelocks, and all that should take their part*—the officer went Northward & the Soldiers Southward. These were orders *discretely* given indeed! And well becoming a Gentleman in *any* Command, over troops sent here, or as the Minister pretended, to aid the civil Magistrate in keeping the peace, & with directions never to act without . . . Will any one

think the Town could be safe, even from this band of Soldiers only, especially while under such direction & influence—This is a single Instance—No wonder that when the Bells soon after rang as for fire, & the people in that same part of the town came into the Streets with Bucketts, they should be told by some, as a Gentleman who was a Witness in Court for the prisoners swore they were, that they had better bring Clubs than Bucketts—Such Appearances were enough to put the Town in Motion. It is a Mistake to say the Soldiers were in danger from the Inhabitants; the reverse is true: The Inhabitants were in danger from the Soldiers. With all the *Indulgence* which was shown, and perhaps ought to be shown to Prisoners at the bar, upon trial for Life, not a single Instance was provd, of any Abuse offerd to any Soldier that Evening, previous to the insolent Behavior of those of them who rushd out of Murrays Barracks & fell upon all whom they met: on the Contrary, there had been many Instances of their insulting & assaulting the Inhabitants indiscriminately in every part of the Town.

As it was said in Court that the unhappy persons who fell a Sacrifice to the Cruel Revenge of the Soldiers, had brot their Death upon their own heads, I shall finish this paper in saying what ought to be said in behalf of those who cannot now speak for themselves.—M[r] *Maverick* a young Gentleman of a good family & a blameless Life, was at Supper in the House of one of his friends, and went out when the bells rang as for fire. *M[r] Caldwell*, young Seaman & of a good Character, had been at School to

perfect himself in the Art of Navigation, and had just returnd to the house of a reputable Person in this town to whose daughter he made his visits with the honorable Intention of Marriage: He also went out when the bells rang. Mr *Gray* was of a good family, he was at his own house the whole of the Evening, saving his going into a Neighbours house to borrow the News paper of the day & returning: He went out on the ringing of the Bells; and altho a Child swore in Court that he saw him *with a Stick* after the bells rang, yet another Witness saw him before he got into Kingstreet *without a Stick*, Others saw him in Kingstreet & testified that he had *no Stick*, and when he was shot, the Witness then testified, as is mentiond in a former paper, that he had *no Stick* & his Arms were folded in his bosom; so that it is probable the young Witness mistook the person. Mr Attucks, it is said was at his Lodgings & at Supper when the bells rang; Witnesses indeed swore that they afterwards saw him with a Club, & great pains were taken to make it appear that he attackd the Soldiers, but the proof faild; even Andrew, a Negro Witness whom I shall hereafter mention, testifies that he thot Attucks was the Man who struck one of the Soldiers, but could not account how he could get at such a Distance, as he was when he fell, the Soldier firing so soon. Others swear that he was leaning on his Stick when he fell, which certainly was not a threatning posture. It may be supposd that he had as good Right to carry a Stick, even a *Bludgeon*, as the Soldier who shot him had, to be armd with Musquet & ball; & if he at any time lifted

up his Weapon of *Defence*, it was surely not more than a Soldiers leveling his Gun at the Multitude chargd with *Death*—If he had killed a Soldier, he might have been hangd for it, & as a *traitor* too, for to attack a Soldier upon his post, was declared *Treason;* But the Soldier shot Attucks & killed him, & he was convicted of *Man Slaughter!* As to Mr Car, the other deceasd person, it is doubtful with what Intent he came out. He was at Mr Fields house when the Bells rang; Mr Field & another Witness who was at the House, testify that Car went upstairs and got his Sword. . . .

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 31, 1770.]

To the PRINTERS.

IN my last, I consider'd the temper which the Soldiers in general, had discover'd, and the threats they had utter'd, previous to the 5th of March, together with their correspondent behavior, on that alarming evening. I was the more brief, because there had been a "*Narrative of the horrid Massacre*," printed by the Order of this Town; which was drawn up by a Committee appointed for that purpose, and reported by their Chairman, *James Bowdoin*, Esq. The Affidavits which are annexed to the Narrative, were each of them taken before two Justices of the Peace, *Quorum Unus*, to perpetuate the remembrance of the thing: Col. William Dalrymple, chief Commander of the Soldiers, was duly notified by the Justices to

attend the Captions: And his Honor the lieutenant-governor, certified under his hand with the Province Seal affixed, that full faith and credit was, and ought to be given to the several Acts and Attestations of the Justices, both in Court and out.—It will be own'd by the impartial World, that nothing could be fairer: I am not, however, at all surprized, to find, publish'd in a late New-York Paper, a letter said to be written in this Town, in which among other chit-chat, it is asserted, that from the borders of Connecticut to Boston, there are people who "exclaim against the Town for imposing on the Country by false Representations:" This Narrative has been in a Manner adopted by the Province; for I am assured, that in the last Session of the General Assembly, the House of Representatives, generously granted to the Town a sum of Money to defrey the Charge of a vessel, hired for no other Purpose but to carry it to London; that his Majesty's Council concurr'd with the House in the grant, and his Honor the lieutenant-governor gave his Assent to it.—Arts have been used, and are still using, to detach the rest of the Colonies from this Province; and the same arts are every day practised, to divide the Towns in this Province from the Capital. It is the *Machiavellian* Doctrine, *Divide et impera—Divide and Rule*: But the people of this Province and of this Continent are too wise, and they are lately become too *experienc'd*, to be catch'd in such a snare. While their *common* Rights are invaded, they will consider themselves, as embark'd in the same bottom: And that *Union* which they have hitherto maintain'd, against all the Efforts of their

more powerful common Enemies, will still cement, notwithstanding such *trifling* letter writers as these.

The candor of this Town was indeed such, that at their annual Meeting in March, by a vote, they restrain'd their Committee from publishing the Narrative here, altho' it was printed, lest it might unduly prejudice those, whose Lot it might be, to be Jurors to try these Causes: This Restraint, they continued at their Meeting in May, and *untill the Trials should be over.*—A Caution, which all good Men will applaud: As it discover'd a sense of Justice; as well as the greatest Humanity towards those Men, who had spilt the blood of Citizens, like Water upon the Ground! —A temper far from vindictive—Calm and sedate, when it might have been expected, if ever, they would be off their guard. And yet so barbarous and cruel, so infamously mean and base were the Enemies of this Town, who are the common Enemies of all America and of the Truth itself, that they had it *falsely* inserted in the public News-Papers in London, that the Inhabitants *had seiz'd upon Capt. Preston and hung him, like* Porteus *upon a sign-post!*

I shall now, in a few instances, endeavor to show, the temper which many of the Soldiers discover'd after the fatal Catastrophe was over. The Reader may have observed, that I am careful to distinguish, between the Evidence given in Court, from that which was given out of Court: Witnesses to this point, it is not to be suppos'd, were admissible at the Trial; unless perhaps the one immediately following: This is a creditable person who is Mistress of a reputable family in the Town. She testified before

the Magistrates, and was ready to swear it in Court, if she had been called, that on the Evening of the 5th of March, a number of Soldiers were assembled at Green's Barracks, and opposite to her Gate, which is near those Barracks; that they stood *very still*, until the Guns were fired in King-Street; then they clapped their hands and gave a Cheer, saying, *this is all we want*; they then ran to their Barracks and came out again in a few minutes, *all with their arms*, and ran towards King-Street.[1]—These Barracks are about a quarter of a Mile from King-Street: Their standing *very still* untill they heard the firing, compared with their subsequent Conduct, looks as if they expected it: It seems as tho' they *knew* what the *signal* should be, and the part they were to act in consequence of it. This, perhaps, may be tho't by some to be too *straining*: I will not urge it; but leave it to any one to judge, how far, if at all, it affords grounds of Suspicion, that there was an *understanding*, between the Soldiers in King-Street at the time of the firing, and these; especially if it be true, as has been said, that they fired *without the command of their officer*.—There was also a Witness, an householder of good reputation, whose testimony was similar to this: That the Soldiers from Green's Barracks, on that Evening, rushed by him, *with their arms, & ran* towards King-Street, saying, *this is our time or chance*; that he never saw Dogs so greedy for their Prey, and the *Serjeants* could hardly keep them in their Ranks[2]—Another swore, that after the firing, he saw the Soldiers drawn up under Arms, and heard

[1] Narrative Appendix p. 68. [2] Idem p. 68.

the officers, as they walked backwards and forwards say to one another, *Damn it, what a fine fire that was! How* bravely *it dispers'd the Mob!*[1]—A gentleman belonging to Halifax in Nova Scotia testified that when the body of Troops was drawn up before the guard-house (which was presently after the Massacre) he heard an Officer say to another, that *this was fine work, just what he wanted!*[2]—I shall add but one more to this list, and that is, the testimony of a Witness, well known in this Town for an honest man; who declared that at about one o'Clock the next morning, as he was going alone from his own House to the Town-House, he met a Serjeant of the 29th with eight or nine Soldiers, all *with very large Clubs and Cutlasses*, when one of them, speaking of the Slaughter, *swore by God, it was a fine thing, and said, you shall see more of it.*[3]—To these I cannot help subjoining, the testimony of Mr. *John Cox*, a very reputable Inhabitant of this Town; who swore *in Court* at one of the late trials, that after the firing, he went to take up the dead; that he told the Soldiers, it was a cowardly trick in them to kill men within reach of their Bayonets, *with nothing in their hands*; and that *the officer* said, *damn them, fire* again, *and let them take the consequence*—to which he replied, you have killed enough already to hang you all: But it has since appeared that he was *mistaken.*—There are others, who saw, a very large party from the South-guard, after the firing, take their post under Liberty-Tree; by which one would think they intended to act the same part which the Soldiers in *New-York* had

[1] Idem 69. [2] Idem. 22. [3] Idem. 61.

before done, as indeed some of them had threatened they would, and which would probably have bro't on a new scene of confusion. But the commanding officer, *very prudently* ordered the regiment to be under arms, which prevented it.

If these testimonies would not have been pertinent to the issue of the late trial, I think it necessary to adduce them here, to convince the world of the wretched state this Town had been in; the reason they had to apprehend, while such blood-thirsty inmates were quarter'd among them; and the necessity they were under, constantly to be on their guard, while there were even such *exultations* at the barbarous "*action*" of the Evening.

Much was bro't into Court, to show that the Town was in a state of disorder on that Evening, and previous to the Affray at Murray's Barracks; Witnesses were *admitted* to testify, that they had been met by one and another arm'd with *Clubs;* but nothing appeared there, to show the Cause and even the necessity of it: Thus, one of the prisoners witnesses testified in Court, that at seven o'clock, going to the South-End of the Town, he met forty or fifty in small parties, four or five in a party; and divers others swore to the same purpose: They did not indeed say, whether they *knew* them to be Inhabitants; it is as probable, that they were Soldiers, as inhabitants, if not more so; for it was sworn before the Magistrates, by a person of credit, that on the Saturday before, he saw the *Soldiers* making *Clubs.*[1] Another was ready to testify in Court, that thirty of these

[1] Idem. 4.

Clubs or *Bludgeons*, were made by *the Soldiers*, in his own Shop. And in the part of the Town where the before-mentioned witness was going, a gentleman was early in the Evening attacked by two Soldiers, one of them arm'd with *a Club*, and the other with a broad Sword; the latter struck him, and threatned that he should *soon hear more of it*.[1] It was notorious, that the Soldiers were frequently seen on that Evening, arm'd *with Clubs*, as well as other Weapons; and the night before, very late, it can be prov'd that forty or fifty of them were seen, *thus arm'd*, in several parts of the Town in terror of his Majesty's subjects: But in the *judgment* of some men, every party that was seen *with Clubs*, or in the *modern* term, *bludgeons*, to be sure, must have been inhabitants. It had been testified, that on the Saturday before the fifth of March, the Soldiers, had not only been seen making *their Clubs*, as is before mentioned, but from what the witness could collect from their conversation, they were resolved to be *reveng'd* on the Monday.[2] If *they* were in such danger, as some will pretend they were, pray, why were they not kept in their Barracks, especially after eight o'clock, according to *their own* rules? Instead of this, we find the testimony of a person, who was *not* an inhabitant of the

[1] Idem. 12.

[2] Idem. p. 4, This alludes to the affray at the Ropewalks: The Soldiers at Green's Barracks had made three attacks upon the Rope-makers, while they were at work, in revenge, for one of them being told by a hand in the Walk that "if he wanted work he might empty his Vault": Enough, to enkindle the flame of resentment, in the breast of a common Soldier, who of all men has the most delicate sentiments of Honor. Two of the Prisoners were of the party in these noble Exploits, as was testified in Court.

Town : that being at the South-End on that Evening, *exactly at Eight o'Clock*, he saw there Eleven Soldiers ; an *officer* met them, and order'd them to appear at their respective places *at the time ;* and if they should see any of the inhabitants of the Town, or any other people not belonging *to them*, with Arms, Clubs or any other warlike Weapon, *more than two* being assembled together, *to order them to stop* : and if they refused, *to stop them* with their firelocks, and all that should take their part—The officer went Northward and the Soldiers Southward [1]—Here were orders *discretely given* indeed ! And well becoming a gentleman, in *any command* over troops, sent here, as the Minister pretended, to aid the *civil Magistrate* in keeping the peace ; and with directions never to act *without one.* Will any one suppose, that the Town *could* be safe, even from this band of Soldiers only ; especially while under such direction and influence. This is a single instance—No wonder that when the bells soon after rang as for fire, & the people in *that same part of the Town*, came into the Street with their *Buckets*, they were told by some, as a gentleman who was a witness in Court for the prisoners said they were, that they had better bring their *Clubs* than their Buckets—Such appearances were enough to put the Town in Motion—It is a glaring mistake to say, the Soldiers were in danger from the inhabitants : The reverse is true ; the inhabitants were in danger from the Soldiers.—With all the indulgence which was shown, and perhaps ought to have been shown to prisoners at the bar, upon trial for life, not

[1] Idem. p. 48.

a single instance was prov'd, of abuse offer'd to Soldiers that Evening, previous to the insolent behavior of those who rush'd out of Murray's Barracks, with Cutlasses, Clubs and other Weapons, and fell upon all whom they met: On the contrary, there had been many instances of their insulting and even assaulting the Inhabitants in every part of the Town; and that without *Discrimination*; which did not look, as if they design'd to seek revenge, for any *former* Quarrel, upon *particular* persons.

As it was said, in Court that the unhappy Persons who fell a sacrifice to the cruel revenge of the Soldiers, had brought their death upon their own heads, I must not omit saying, what I think ought to be said, in behalf of those who cannot now speak for themselves—Mr. *Maverick*, a young gentleman of a good family and a blameless life, was at supper in the house of one of his friends, and went out when the Bells rang as for fire. Mr. Caldwell, a young seaman and of a good character, had been at School to perfect himself in the art of Navigation; and had just return'd to the house of a reputable person in this town, to whose daughter he made his visits, with the honorable intention of Marriage: He also went out when the bells rang. Mr. *Gray* was of a good family; he was at his own house the whole of the Evening, saving his going to a neighbour's house to borrow the News-Paper of the day and returning; He went out on the ringing of the bells; and altho' a child swore in Court, that he saw him *with a stick*, after the bells rang, yet another witness saw him before he got into King-Street *without a stick*; others saw him in King-

Street and testified that he had *no stick*; and when he was shot, the Witness at whose feet he fell, declared, as is mentioned in a former Paper, that he had *no stick*, and his arms were folded in his bosom; so that it is probable, the young Witness mistook the person. Mr. *Attucks*, it is said, was at supper when the bells rang; he went out as others did, to enquire where the fire was; in passing thro' Dock-Square, he saw the affray at Murray's Barracks; and hearing a man say that if any one would join, he would drive the Soldiers into the Barracks, he join'd; & they two were principally concerned in doing that piece of service. Great pains were taken to make it appear that he attacked the Soldiers in King-Street, but the proof fail'd: He was leaning upon his stick when he fell, which certainly was not a *threatning* posture: It may be supposed that he had as good right, *by the law of the land*, to carry a stick for his own and his neighbor's defence, in a time of such danger, as the Soldier who shot him had, to be arm'd with musquet and ball, for the defence of himself and his friend the Centinel: And if he at any time, *lifted up* his weapon of *defence*, it was surely, not more than a Soldiers *levelling* his gun charg'd with *death* at the multitude: If he had killed a *Soldier*, he might have been hanged for it, *and as a traitor too*; for even to attack a Soldier on his post, was pronounc'd *treason*: The Soldier shot *Attucks*, who was at *a distance* from him, and killed him,—and he was convicted of *Manslaughter*.—As to Mr. *Carr*, the other deceas'd person, it is doubtful with what intent he came out: He was at the house of one Mr. *Field*, when the bells rang; Mrs. *Field*,

and another witness who was at the house, declared that *Carr* went up Stairs, and got his Sword, which he put between his Coat and his Surtout, and it was with difficulty that they prevail'd upon him to lay by his Sword: They could not persuade him to keep in: It does not appear that he took any part in the contest of the Evening: He was soon shot: and tho' dead, he afterwards spoke in Court, by the mouth of another, in favour of the prisoners; declaring among other things already mentioned, that *he was a native of Ireland, and had often seen mobs and Soldiers fire upon them there, but never saw them bear half so much before they fired as these did.*

The conduct of the Soldiers and of the people in King-Street, shall be the Subject of a future Paper. In the mean time, I must desire *Philanthrop*, who appear'd in the last Evening Post, if he pleases, to read again what I observ'd upon the case of *Killroi* in particular, in this Gazette of the 17th Inst;[1] and to consider, whether he did me *justice* in saying, that I had publish'd "*the only piece of Evidence produc'd against Killroi* and argued upon that *alone*:" I then publish'd *several* material pieces of Evidence against him; and upon the whole concluded, that what was called the *furor brevis* was, in my opinion, of rather too *long* a continuance, to come within the *indulgence* of the law. I then tho't, and I believe I am far from being *singular* in thinking it; that for a man *repeatedly* to say, that *he had wanted an opportunity of firing upon the inhabitants ever since he had been in the Country and that he would never miss an opportunity*

[1] See above, page 83.

of doing it; and afterwards, when forewarn'd against it, *to fire upon the inhabitants, kill one man upon the spot*, and then *unrelentingly* attempt *to stab another*, who had not offer'd him any injury, all which was sworn in *open Court:* If such a man is not, *hostis humani generis*, he discover'd at least, a total want of remorse at the shedding of human blood, as well as rancorous malice from the *beginning*. *Philanthrop* further says, that "there was no evidence given in Court" of the wound in Mr. Gray's head; and "that it is, in the highest degree unjust, *to blame the Court and jury for not regarding evidence which they never heard*": If he will candidly recur to the aforementioned Paper he will find, that I expressly said, that the witness being out of the Province, the evidence of so savage an act of barbarity could not be produc'd in Court; nor did I take it upon me to "blame the Court and Jury for *not regarding* it"—"I do not charge Philanthrop with a *design*" to amuse his readers in this, or *any other* instance; but if he intends to continue the subject, I would advise him to be more cautious lest he *misleads* them for the future. Again he says "the impossibility of the bayonets being bloody the *next morning*, is demonstrable from this, that every gun and bayonet of the party was scowered clean that *very night*"; but to borrow his own words "it is certain no such evidence was given in Court": If this could have been proved, I dare say it would have been done without fail. Philanthrop may *suppose* it to be true, from its being, as he says, "the constant practice of the army after firing"; but such a vague *supposition* will not invalidate the oaths of

creditable witnesses in *open Court*, who swore that Killroi's bayonet was bloody, five inches from the point.

To vilify and abuse "the most *amiable* and *respectable* characters," I detest from the bottom of my heart: At the same time, I leave it to Philanthrop, or any one who pleases, to write *Panegyricks*, on the *living* or the dead.

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Dec. 25th.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, December 31, 1770.]

Messieurs PRINTERS.

I Desire you would correct the following mistake I made in your last paper. I said "there were two *only* of the witnesses in the late trial that made mention of the *tall Gentleman* in a red cloak and white wig, viz. Mr. *Hunter* and Mr. *Selkrig*": In looking over *my minutes*, I find there was another, viz. Mr. *Archibald Bowman*, who also made mention of him. Mr. *Bowman* testified, that they (the people in dock-square) "stood thick round him some time, and after cried *huzza for the main guard*"; in which he agreed with Mr. *Hunter*: But he declared, that he did not remember their striking their sticks at *Simpson's Store*, & saying, *they would do for the Soldiers*, tho' Mr. *Selkrig*, who *was with him at the same time*, declared, that those words were spoken by *numbers* at *Simpson's Store*. Mr. *Selkrig* mention'd nothing of their saying *huzza*, &c. From all which we may conclude, that these *cries* were not general; especially, as other wit-

nesses declared that the people also cried, *home, home.* Mr. *David Mitchelson* testified, that "they *cried*, they would go to the main guard, and that the effect soon followed": *But they went not to the main guard*, nor was the main guard attack'd thro' the whole evening. He further said, the bells were ringing.—The truth is, the generality of the people of the town thought there was a fire; but not knowing where, they naturally, in passing thro' the main streets, from the north and south parts of the town, stopped in dock-square, which is in the center: There, they found there was *not* fire; but that the soldiers at *Murray's* barracks, had, if I may use the expression, *broke loose.* Mr. *Selkrig* said, that the people "made unsuccessful attacks upon the barracks"; but immediately adds, "that he saw nothing" (of the attacks, I suppose; for it was impossible he should see them, there being a stone building between the house in which he was, and the barracks) but that "they went up the alley and came back *suddenly*"; which corresponds with what another of the prisoners witnesses said, who was on the other side of the stone building, and therefore *could see;* viz. that the soldiers several times presented their guns at the people: Mr. *Selkrig* must be *candidly* suppos'd to intend, that he *judg'd* the people to have made attacks upon the barracks, and *unsuccessfully*, from seeing them *retreat* only: But his *conclusion* might not be well grounded: It is as natural to conclude that these *sudden* retreats were occasioned by the soldiers attacking the people, as they had before done; and their levelling their guns and threatning to make a lane thro' them, as was sworn in *open*

court. Mr. *Dickson*, who was with Mr. *Selkrig*, and the other Scotch gentleman at Mr. *Hunter's* house, declared, that "a party came running down the alley, *as if they had met with opposition there*"; which confirms what Mr. *Selkrig* had said of their *sudden retreats*, and strengthens the supposition I have now made.

But the writer in Mr. Draper's paper of the 20th Instant, has not yet fulfilled his *promise* to "*ascertain the person*" in a red cloak: I am sollicitous that the publick should know the *very man;* and the rather, because it has been impudently insinuated, that he was a gentleman *in office* in this town.

VINDEX.

Dec. 27.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, January 7, 1771.]

To the PRINTERS.

I Have taken occasion to mention the unhappy persons, who lost their lives on the fatal fifth of March: And I think it must appear to every candid reader, that they were totally unconnected with each other; and that it cannot be even suspected, that either, or to be sure, more than one of them had any ill intention in coming abroad on that evening; much less, that they were combin'd together to do any sort of mischief: Nay, it is even to be doubted, whether they ever had any knowledge of each other. I will further observe, that there was not the shadow of evidence to prove, that any other persons, excepting the

Soldiers, had form'd a design to commit disorders at that or any other time: Unless credit is to be given in a court of law, to the hearsay of an hearsay; the story which one man told another at sea, and months after the facts were committed: Evidence which was in vain objected to by the council for the crown; but to the honor of one of the prisoners council was by him interrupted and stopped. This worthy gentleman declared in open court that it was not legal, and that it ought not to have the least weight in the minds of the jurors; upon which it was ruled, that the witness should proceed no further, and he was dismiss'd.

I come now to consider the tragical scene, as it was acted in King-street; in doing which, I shall confine myself chiefly, to the evidence as it was given in court: If I vary from the truth, let Philanthrop, or any one else correct me; it is far from my design: And I am willing to appeal for facts, to the book which Philanthrop has told us of; provided always, that the facts are there stated with impartiality and truth: This I think it necessary to premise, because I find it advertiz'd, that the book is to be publish'd, not by the direction, but with the permission of the court: A distinction, which appears to me to be of some importance.

It may be necessary, first to enquire into the situation the centinel was in, for whose relief the party was said to have afterwards gone down. By the testimony given in court, by Col. Marshall, who had spent the evening at a friend's house in dock-square, it appears that at nine o'clock all was quiet there; and passing thro' Royal-exchange lane into King

street, where the centry was, he found all as peaceable there; "the street never clearer," was his expression. It is probable that very soon after this, the difference arose between the centry and the barber's boy; for Col. Marshall testified, that some time after, he heard a distant cry of murder; and it is without doubt the centry struck the boy, with his gun,—It was then that Colonel Marshall saw a party turn out from the main-guard, and soon after another party rush'd thro' Quaker-lane, all arm'd—It is probable, that these were the Soldiers who, as they ran into Cornhill, abus'd the people there, as I have before mention'd: Upon the appearance of these parties, it is said, that the barber's boy, and his fellow-apprentice, ran either into his Master's or a neighbor's shop. —Mr. William Parker, one of the prisoner's witnesses declared, that when he came into King street, which was after the affray began at Murray's barracks, all was quiet and peaceable: But presently the barber's boy, with two or three more, came to the centry—they push'd one another against him (in resentment it is to be suppos'd for) they said, he had knock'd the boy down—In the trial of Capt. Preston, the boy himself swore in Court, that the centry had struck him with his bayonet. Mr. Parker adds, that presently a number, about fifteen, came thro' Silsby's lane, which leads from Murray's barracks, with sticks like pieces of pine in their hands—The most of them small boys, 1 or 2 of them large lubbers, as he called them—they said, let us go to the main-guard; by which it does not appear that they interested themselves in the dispute with the centry, nor does it

appear that they molested the main-guard, if they went up to it—Soon after, five or six more came up Royal exchange lane, which also leads from Murray's barracks, with sticks like the others; but neither did the witness say, that these interfered with the centry —Mr. Parker further said, that he went up by Mr. Jackson's corner, and met twenty or thirty more coming out of Cornhill, a good many men among them, some with sticks and some with walking canes —These opened the matter to him; and told him there had been a squabble at Murray's barracks, but that the Soldiers were driven in, and all was over.— These different parties met in a cluster, at and near Quaker lane, and not long after seem'd to disperse; and he soon went off himself, not leaving above twelve or fifteen in the street: And, just as he got home, which might not be more than ten minutes, he heard the bells ring, and the guns discharg'd—No one I believe will dispute the veracity, either of Col. Marshall or Mr. Parker.

Mr. Edward Payne, a merchant of note in this town, was also summoned as a witness for the prisoners; and his testimony will undoubtedly be rely'd upon, by all who know him or his character. Mr. Payne came out after Mr. Parker left the street; for he declared in Court, that at 20 minutes after nine, when the bells rang, he went out into the street, and was told, as Mr. Parker had been, that the soldiers had sallied out of their barracks, and had cut & wounded a number, but were driven in again—He declared that the centinel was walking by himself, and no body near him—so that the barber's boy and

his three or four comrades, were at that time gone off —He heard a considerable noise in Cornhill, and a noise of people coming up Silsby's alley—they were inhabitants: Fourteen or fifteen, perhaps twenty, passed by him, some with sticks, others without; as many of the latter as the former—They cried where are they? It is necessary to connect the circumstances, as the facts are related: Here therefore I will remind the reader, that besides the Soldiers that came out of Murray's barracks, and who now may be suppos'd to have been driven in, there was also a party that had issued from the main guard, and another party of Soldiers who came thro' Quaker-lane, all arm'd with naked cutlasses, &c. who went into Cornhill not long before, and there insulted every person they met: These were the men whom the persons mentioned by Mr. Payne, in all probability refer'd to, when they cried, where are they.—Certainly no persons could be tho't blame-worthy, for pursuing a banditti, who had already put a number of peaceable people in great terror of their lives, with a design to prevent their doing further mischief: There is no foundation to suppose, that they had any other design: Yet these are the persons, who, as some would have it, were the faulty cause of the slaughter, that afterwards ensued: It was indeed unfortunate that they happened to take that rout; for Mr. Payne added, that a lad came up and said, that the centry had knock'd down a boy, upon which the people turn'd about, and went directly to the centry: By which, one would think, that they had no design to attack the centry before: and that they

would not even have spoken to him, had they not been told that he had injured the boy: Till then, the centry had not been the object of their attention; and I must insist upon it, that they had then as good right by the law, to resent the injury done to the boy, as the party from the main-guard had afterwards, to resent the injury done, if there was any, to the centry — The prudence in either case I will not undertake to vindicate — Mr. Payne further said, he was afraid of what might happen from the peoples surrounding the centry, and wished they might be taken off—He returned to his own door, which is nearly on the opposite side of the street, and there heard the people cry to the centry, fire, damn you, why don't you fire.—I have just observ'd, that Mr. Payne expressed his concern at the peoples surrounding the centry: Mr. Henry Knox, another witness for the prisoners, a young gentleman of a very good reputation, was probably near the centry while Mr. Payne was at his own door—He testified in court, that the people were round the centry, and they said he was going to fire—That he was waving his gun—That he (Mr. Knox) told him, if he fired he must die —That in return he damn'd them, and said, that if they molested him, he would fire—That the boys were damning him and daring him to fire—That he heard one say he would go and knock him down for sweeping (his gun) — that he thought the centry snapped—He added that he saw nothing thrown at the centry, altho' he was near him till after the party came down and Mr. Payne finished his testimony with saying, that he perceived nothing

but the talk that led him to think the Soldiers would fire.

Mr. Leigh, and Mr. Frost, both witnesses for the prisoners, testified, that the barber's boy came up to the people, and pointing at the centry, said, here 's the son of a b—ch that knocked me down; upon which one of the witnesses said, the people cried kill him—Both said, that the centry ran to the custom-house steps, knocked at the door, but could not get in—neither of them mention'd any thing thrown at him, nor any attack upon him—he prim'd and loaded his gun and levelled it; told the people to stand off, and called to the main-guard; upon which Capt. Preston and his party came down—Mr. Bulkly, summoned also by the prisoners, testified that he thought the centry was in danger, by the number of people about him, and the noise; and mentioned no other reason for his thinking so—he said that a person told Capt. Preston, that they were killing the centry—This person was probably one Thomas Greenwood, a servant in the custom-house; for he himself declared before the magistrates, that he was in the custom-house, and went from thence to the main-guard, and told one of the Soldiers, if they did not go down to the centry, he was afraid they would hurt him, tho' he had not seen any person insult him—This man, at the same time depos'd, that he saw two or three snow balls fall near the steps of the custom-house, but saw no person throw any stones; tho' he had placed himself in the most convenient room in the house for observation—Mr. Harrison Gray mention'd the people round the centry, making use of opprobrious

language, and threatening ; but said nothing of their attacking him, or throwing anything at him—Mr. Hinckley declared, that the people went to the centry, and at last some of them cried kill him, but did not see any attempt to hurt him—Mr. Cornwall swore, that he saw snow balls and 2 or 3 oyster shells thrown at the centry, but did not think they hit him—he heard several young gentlemen perswading the people to go off, and believed they all would have gone off, if the Soldiers had not come down—Mr. Helyer declared, that he came into King-street, and saw the centry and twenty or thirty persons—some boys at their diversion—The centry wav'd his gun in a way that had a tendency to exasperate the people—Mr. Brewer saw the centry with his bayonet breast high—a number of boys, twenty or more round him, talking but doing nothing. Mr. Bailey was standing with the centry on the custom-house steps—saw 20 or 30 boys of about 14 years old—they were throwing pieces of ice at him, large and hard enough to hurt him, but did not know whether they hit him. This must appear very strange as he was so near him—his standing with him on the steps, would lead one to think he was an acquaintance of the centry ; which is confirmed by another circumstance, for he said that when the party came down, one of the Soldiers put his bayonet to his breast, and the centry told him not to hurt him—Mr. Simpson swore, that the centry knock'd at the custom-house door — that a person came to the door and spoke to him, upon which he turn'd and loaded his gun—There was one witness, and I think but one, who mention'd pieces of sea-coal thrown at the centry;

and that was Andrew a Negro—A fellow of a lively imagination indeed!—One, who I believe could tell as good a story even to my lord of H. and give his lordship as circumstantial an account of "the unhappy transaction", as some, who have already had the honor of doing it, & who may think themselves to be Andrew's betters—he is remarkable for telling romantick stories in the circles of his acquaintance—And whether his fancy had beguil'd his own judgment, or whether he had a mind to try his success at painting upon so serious an occasion, or lastly, whether he was resolv'd to do his utmost to save the prisoners, I pretend not to say; but he certainly made some folks believe, that the ashes made of sea-coal burnt with great savings in the adjacent offices, were like the cinders thrown out of a blacksmith's shop—Andrew's evidence, if not his judgment, was greatly rely'd upon; and the more, because his master, who is in truth an honest man, came into court and swore to his character; and further said, that Andrew had told him, that He really believ'd the inhabitants were to blame —It is, I am apt to think, in general true, that no man knows so little of the real character of his servant, as the master himself does: It is well known, that the Negroes of this town have been familiar with the soldiers; and that some of them have been tamper'd with to cut their master's throats: I hope Andrew is not one of these. His character for integrity, and even for learning, for he can both read & write, has been upon this occasion wrought to so high a pitch, that I am loth even to hint any thing that may tend to depreciate it; otherwise, I should

say, that there are some, whose kitchens Andrew has frequented, who will not give him quite so exalted a character, as others, who had not known him, thought he deserved.—Several others, witnesses for the prisoners testified to the same purpose; that the people encroach'd upon the centry; that he loaded his gun and threatned to fire upon them; and that they in return dared him to fire, and throw'd a few snow balls. Mr. Hall said, that he presented his gun at the people, and they threw snow balls and some oyster-shells at him; and they hit his gun two or three times—Mr. Payne who saw the centry when he was alone, and until the party came up and fired, "perceived nothing but the talk, that he thought would have induced him or any of the Soldiers to fire": Words are not an assault, and could not warrant him to fire: Mr. Knox and others saw nothing thrown at him nor any attack made on him: Mr. ——— and some others said, they saw snow balls and other things thrown at him; but it appears very probable, from the course of the evidence, that if any thing was thrown at him, it was not till he had loaded his gun, threatened to fire, & waved it in such a manner as tended to exasperate people; and as Mr. Knox tho't, had snapped his gun. The first assault was made by the centry himself, when upon a foolish provocation in words only, he struck the barber's boy: He renewed the assault, when he loaded his gun and presented it upon the people, threatning to fire upon them: In doing this, he put his Majesty's subjects in terror of their lives, against the law of the land; and they would have been justified in seizing him at

least—If he had thought himself in danger, instead of threatning the lives of others, he must first, according to the law of the land, have retreated if he could, and even from his post : Other doctrine, I know, has been strongly inculcated of late, by those who would set up, or tamely yield to, an uncontroulable military power ; but I trust in God, it will never be established here : It never can, while the people entertain a just idea of the nature of civil government, and are upon their guard against the daring encroachments of arbitrary, despotic power. The people were inclin'd to disperse, and did disperse, in the beginning of this childish dispute ; as appeared by the evidence of Mr. Parker : And notwithstanding the mutual animosity, if the reader pleases, which afterwards arose between the centry and them, they would have finally dispers'd, in the opinion of another witness, if the party had not come down from the main-guard.

VINDEX.

Jan. 1.

TO STEPHEN SAYRE.

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Jany 12 1771

SIR

I wrote you p Capt Hall who saild about ten days ago, & then inclosd, some papers publishd in the Boston Gazette upon the Subject of the late Trial of the Soldiers. I now send you duplicates, together with others on the same Subject since publishd. I

perceive that Mr Hutchinson is appointed Govr here,[1] & it is said he is to have an independent Salary! Is not this perfect Despotism? What can the people of Britain mean, by suffering their great men to enslave their fellow Subjects? Can they think that the plan is confind to America? They will surely find themselves mistaken. I am in haste.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, January 14, 1771.]

To the PRINTERS.

I Have in my last, consider'd the situation and behavior of the centry, and the people that were round him, immediately before the coming down of the Soldiers from the main-guard. Some of the witnesses, sworn in open court, who I believe, are allow'd to be of equal credit with any of the rest, and were present thro' the whole bloody scene, declared, that they perceived nothing thrown at the centry—Nothing but the number of people and the noise they made, that led them to apprehend he was in danger—Nothing but the talk, that induc'd them to think he would fire: Others indeed saw snow balls, and other things thrown at him, after he presented

[1] "I find by the prints that the Commissions have been published at Boston 14th Inst constituting Lt Gov. Hutch. Governor, and Secretv Oliver Lt Gov. of Massachusetts."—*Literary Diary of Ezra Stiles* [March 22, 1771], vol. i., p. 97. "Govr Thomas Hutchinson and Lieut. Govr Andrew Oliver, Esq's., commissions published; Judges in their robes, and all the Bar in their habbits, walked in procession." [March 14, 1771], *The Diaries of Benjamin Lynde and of Benjamin Lynde, Jr.*, p. 201.

his gun, and wav'd it in an exasperating manner, and threatened to fire:—One in particular, declared, that he saw balls of ice thrown, large & hard enough to hurt any man: It is strange, if he thought the centry in danger, that he should stand so near him, as by his own testimony it is evident he did, till the Soldiers came down: I think, upon the whole, we may fairly conclude, that but few of these things were thrown at him; and that they were in consequence of his loading his gun, & presenting it at the people: It was the opinion of one of the witnesses for the prisoners, that the people would have dispersed, if the soldiers had not come down: It was then unfortunate, that the soldiers were so suddenly order'd down. Whether it was regular, for a captain to take a corporal's command, or was ever done before in the army, I leave others to say, who are better acquainted with the art military, than I pretend to be: If not, it may be difficult to account for Capt. Preston's great readiness to undertake so disagreable and dangerous a task.

In the publick Advertiser, printed in London, the 28th of April last, I have seen a paper called, the Case of Capt. Thomas Preston: It was published in his name, tho' not wholly his own draft; as he declared to a committee of this town, who waited upon him for an explanation of some passages in it,[1] which were notoriously false, and grosly reflecting upon some of the magistrates, as well as the people of the town and province. I may hereafter particularly consider this paper, which has had its run thro'

[1] See above, page 14.

Britain and America ; and point out the many "faults of partiality" which are contain'd in it: The only reason why I have not already done it, was, because I agreed in the general sentiment of the inhabitants of this town, that nothing of this kind should be publish'd, at so critical a juncture, lest it might be tho't to prejudice the minds of Jurors on a trial for life.[1]— It may be perhaps more easy, and of full as much importance to the publick, to ascertain the person, who several times alter'd the state of the case; and, as Capt. Preston himself declared, even after it finally came out of his hands, as it would be, to ascertain the person in a red cloke; which the writer in Draper's paper has been so often in vain called upon to do, in fulfillment of his voluntary promise.—In this paper, Capt. Preston, or his friend in his behalf, says, "he sent a non-commission'd officer and twelve men, and very soon follow'd himself:" The witnesses in court, on both sides declared, that Capt. Preston himself came down with the party. Again he says, he followed, "lest the officer and soldiers should be thrown off their guard, and commit some rash act": But, did he restrain them from commiting so rash an act, as firing upon the multitude?— He surely must have observ'd the violent temper which the soldiers discover'd, as "they rushed thro' the people" according to his own account; "upon the trot, in a threatning manner, damning the people and pushing them with their bayonets", as Mr. Knox and others swore in court: He knew their guns were charg'd with ball ; he declar'd it at the time, and

[1] See above, page 102.

on the spot, as Mr. Palmes testified: Should he not then, at the very instant, when he must if ever, have been apprehensive, that they would commit some rash act, at least have caution'd them, not to fire, till he himself should give the orders? Instead of this, by his own, or his friend's account, publish'd as his own, we find no such prudent directions to the men under his command; who by the rules of the army, would have been liable to suffer death, if they had disobey'd! What single step did he take, to prevent their committing a rash act, for the sake of which alone, he tells us, he followed down? Not one according to the state of his case, till after they began to fire: "Upon my asking the men, says he, why they fired without orders, they said, they heard the word, fire, and suppos'd it come from me": It seems, it was the apprehension of the Soldiers, that he order'd them to fire; and we must suppose, that the Soldiers were particularly attentive to their commanding officer: But he adds, "I assured them my words were, don't fire"; from hence it is plain that he gave them some order. I am no Soldier, and never desire to be one: But I appeal to those who are, whether the words, "don't fire," are words of command in the British army; and whether there is not some other word which Soldiers are taught to understand, more proper to be given on such an occasion, or, as I chuse to express it, in the heat of action, which would have prevented such rashness, and even put it out of their power to have fired, at least to have done any mischief. These words, I well remember, it was said were made use of in command,

at another time, and by another officer of the same regiment; when one of the soldiers, thro' mistake, fired upon the march, in the street, and very nearly effected the death; not to say, the murder of a worthy citizen: The soldier was soon jostled from the reach of civil power; which was a mighty easy thing to be done, as was found by experience, at a time when the first magistrate of the province had publickly declared, that he had no authority over the King's troops, which has since been repeated: The good men of the county however, found a bill of indictment against the officer who commanded the party: But when the matter came upon trial before the superior court, altho' some positively swore that he gave the word, fire, yet because the soldiers swore that his words were don't fire, a doubt arose; and a doubt you know, must turn in favor of the accused party; for the good old maxim is, whether founded in the law of Moses, the common law, the law of nature and reason, or the safety of human societies, better ten villains escape than one honest, harmless man be hang'd—Whether the officer would have so luckily escaped, upon a trial before a court martial, for giving a word of command, unintelligible in a military sense, I very much doubt.—Capt. Preston further said, that "his intention was not to act offensively, nor even the contrary part, without compulsion": That is, when he should think himself compelled, he was to act defensively; and in what way could he or his soldiers act upon the defence, with muskets charg'd with ball, but by discharging them upon the people, which he must have concluded would have

kill'd some of them? No matter, the people were the agressors; and besides, "the King's money was to be protected" as well as the centinel—Here I will acquit Capt. Preston, as a man of too much honor to suggest a known falshood: It has been the constant practice of a certain set of men, meanly to insinuate, that the Americans in their exertions against lawless power, have always had something dishonorable in view: At present, it is the plundering the King's chest; altho' even Greenwood himself, an hired servant in the custom-house, a dependent upon dependents, if he is to be believed, depos'd before the magistrate, that amidst the whole volley, as some would have it, of snow balls, oyster shells, ice, and as Andrew said, sea coal, thrown at the centinel, "not a single Pane of the custom-house windows were broken; nor did he see any person attempt to get into the house, or break even a square of glass"—The soldiers acted defensively, and it seems as tho' Preston thought they were at length compelled to do it; for if it was done against his orders, or barely without his orders, with what propriety could he say to the person of the first character in the province, "I did it to save my men,"—A precise answer indeed, to the question put to him; and therefore, I should have thought, not "unsatisfactory," or "imperfect", as it was afterwards affirmed to have been.

Such were the effects of Capt. Preston's sending the non-commission'd officer and the soldiers to protect the centinel and the King's money; and of his following very soon after, to prevent their committing a rash act: But if Capt. Preston had a right

to go to the protection of any man whom he thought in danger, had he or his party a right to engage in an affray, and carry into an incensed mob, as he calls it, weapons which could not be used without killing, and there make use of them as he should judge necessary? Ought he not to have called upon a civil officer, and put himself, and his men, if required, under his direction, before he went upon so desperate a design? Or, does the law of the land, invest every, or any military officer, even of the highest rank, with the right, above all other citizens, of making himself a party in a riot, under a pretence of suppressing it; of carrying with him soldiers arm'd with weapons of death, and making use of them at discretion, without even the presence of a civil officer—This is a point of too much importance to be yielded; for the lives of subjects are not to depend, upon the judgment or discretion, much less upon the will and pleasure, or wanton humour of his Majesty's military servants.

I am sensible, I have heretofore taken up too much room in your useful paper: I shall avoid it at present; and the rather, to afford you the opportunity of inserting an address "to the PROTESTANTS of the three Kingdoms, and the COLONIES"; being the preface to a late publication in London, containing a series of important letters of the Earl of Hillsborough, the Marquiss of Rockingham, and others, from a gentleman whose signature is Pliny, junior.

VINDEX.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, January 21, 1771.]

To the PRINTERS.

As the lives of five of his Majesty's subjects were *unfairly* lost on the evening of the 5th of March last, it follows that some persons must have been in fault: The unhappy sufferers, for ought that has ever appeared, were in the peace of God and the King; let their memories then, so far at least as respects this matter, remain unreproach'd. It appeared by the evidence in court, that all the prisoners were present in king street; that they all discharg'd their musquets but one, and his flush'd in the pan; and that the deceas'd were all kill'd by musquet balls. Six of the prisoners were acquitted by the jury, and two were found guilty of *manslaughter*. In ordinary cases, the publick ought to rest satisfied, with the verdict of a jury; a method of trial, which an Englishman glories in as his greatest security: It is a method peculiar to the English; and as a great writer observes, has been a probable means of their having supported their liberties thro' so many ages past: Among the most substantial advantages arising from trials by juries, there is this incidental one, in this province especially; that by our laws, no man being oblig'd to serve as a juryman more than once in three years, it falls upon the freemen as it were by rotation; by this means, the people in general are in *their turns* called to that important trust; by attending in courts of law and justice, it is to be presum'd that their minds are there impress'd with a sense of justice; and that

they gain that general idea of *right* or law, which it is necessary that *all* men in a free country should have. "It is an admirable institution, by which every citizen may be plac'd in a situation, that enables him to contribute to the great end of society, the *distributing justice;* and it every where diffuses a spirit of *true patriotism*, which is zealously employed for the publick welfare." I am not about to arraign the late jurors before the bar of the publick: They are accountable to God and their own consciences, and in *their* day of trial, may God send them good deliverance. But in times when politicks run high, we find by the experience of past ages, it is difficult to ascertain the truth even in a court of law: At such times, witnesses will appear to contradict each other in the most essential points of fact; and a cool conscientious spectator is apt to shudder for fear of perjury: If the jurors are strangers to the characters of the several witnesses, it may be too late for them to make the enquiry, when they are upon their seats: The credibility of a witness perhaps cannot be impeac'd in court, unless he has been convicted of perjury: But an immoral man, for instance one who will commonly prophane the name of his maker, certainly cannot be esteemed of equal credit by a jury, with one who fears to take that sacred name in vain: It is impossible he should in the mind of any man: Therefore, when witnesses substantially differ in their relation of the same facts, unless the jury are acquainted with their different characters, they must be left to meer *chance* to determine which to believe; the consequence of which, may be fatal to the life of

the prisoner, or to the justice of the cause, or perhaps both. It was for this reason, that I was concern'd, when the council for the crown objected the notoriety of the immoral character of a witness, that he was stopped by one of the council on the other side. In a court of justice, it is beneath any character to aim at victory and triumph: Truth, and truth alone is to be sought after.

While the soldiers were passing from the main guard to the custom-house, it did not appear by any of the witnesses, that they were molested by the people; if we except what was mention'd, as having been said by Mr. *Car*, one of the deceased persons: His doctor testified, that *he told* him, the "people pelted them as they went along".—The declaration of a dying man commonly carries much weight, and oftentimes, possibly more than it ought: This man's declaration was not made *upon oath*, nor in the presence of a *magistrate*: The doctor had a curiosity, as most had, to know how matters were, and enquired of his patient who he thought could inform him; it may be, not expecting to be called to relate it before a court, nine months afterwards, when he might have nothing but memory to recur to: No one disputes the doctor's understanding or integrity: I have before said, that others were ready to testify, that *Car* gave *them* a very different account from that which he gave to his doctor: It ought to be remembered, that the unhappy man was laboring under the pains and anxiety occasioned by a mortal wound; and might not be able at all times to attend duly to such questions as were asked him: What makes it highly

probable that he must have been mistaken, is, that among the many witnesses, not one on either side, mention'd their seeing the least ill usage offer'd to the soldiers as they pass'd from the main guard; not even Mr. *Gridley*, whose declared intention was, at the request of some gentlemen, with whom he had been in company, to bring them as *circumstantial* an account of the matter as he could.

It is agreed by the witnesses for the prisoners, who mention'd their seeing the soldiers upon their first coming down, that they loaded their guns, levelled them at the people & began to insult & abuse them, (as indeed they did upon their march); before any just provocation had been offer'd to them.—Mr. *Hinckley* saw the party come down—they loaded—push'd their bayonets and pricked the people—Mr. *Wilkinson* also saw the party come down; did not see anything thrown at them, tho' he stood at two or three yards distance—Mr. *Murray* said they came down and cried make way—*Andrew* declared, that the party planted themselves at the custom-house—the people gave three cheers—he heard one of the soldiers say, damn you stand back—one of them had like to have prick'd a man as he *was passing by*, and swore by God he would stab him—several persons were talking with the captain, and a number pressing on *to hear what they said;* one of the persons talking with the officer said "*he is going to fire*"; the people shouted and said, he dare not fire; and *then they began* to throw snow balls. Even by *Andrews* account, the people were rather *curious* to know what the soldiers design'd to do, than intent upon doing

them any hurt, untill they were assaulted by them; which I am apt to think is true; because *Newtown Prince*, another Negro, of whom for my own part I conceive a better opinion than of *Andrew*, declared, that the Soldiers planted themselves in a circle—*their guns breast high*—and, the people crowded on, *to speak with Capt. Preston*—and further, several of the witnesses swore that they themselves talked with the Captain, and one of them caution'd him against firing —Capt. Preston himself also in his printed state of his case says, that he reasoned with "*some well behav'd persons*": To show that "as he was advanced before the muzzels of their pieces, he must fall a sacrifice if they fired"—and that his ordering them to fire "upon the half cock and charged bayonets would prove him no officer"; all which might be true, and yet in my humble opinion not quite so "satisfactory" as the answer which he afterwards gave to the Lieutenant Governor; for he might, I suppose, in an instant shift his station, and the soldiers, by a proper word of Command, might discharge their musquets without his falling a sacrifice or forfeiting the character of a soldier—Such a manner of reasoning upon their question, whether he intended to order the men to fire, was evasive; and may serve to show Captain Preston's opinion, that however well behav'd these gentlemen were, they were *no Soldiers.*

I shall now take notice of what the witnesses *for the crown* testified concerning the behavior of the Soldiers, upon their first arrival at the custom-house. —Mr. *Austin* saw the party come down; the captain was with them; *McCauley*, one of the prisoners,

loaded his gun, push'd at him with his bayonet and damn'd him—He did not observe the people press on—Mr. *Bridgham* declared, that about a dozen surrounded the Soldiers and struck their guns with their sticks: But he also said *the Soldiers were loading at the same time*—He further added, that he *did not apprehend himself or the Soldiers in any danger by any thing he saw;* from whence it may be suppos'd, that as the people struck their guns only, when they might as easily have have knocked them down, their intention was not to hurt them, but rather to prevent their loading—Mr. *Brewer* saw the party come down—told Captain Preston that *every body was about dispersing;* in which he agreed with another witness, who was of the opinion that the people would have dispers'd if the Soldiers had not come down; Mr. *Brewer* added, that Killroi, one of the prisoners, *struck him with his bayonet* before they formed, and that he *saw no blows and nothing thrown* before the firing—Mr. *Bayley* testified, that when the party came down, *Carrol* one of the prisoners *put his bayonet to his breast.* Mr. *Wilkinson* stood at about two yards distance from the Soldiers all the while they were there—*He saw no ice nor snow balls thrown;* in which he agreed with Mr. *Austin*—Mr. *Fosdick* testified, that he *was push'd as the party came down*—that afterwards they wounded him in the breast—two different bayonets were thrust into his arm—*all this while there had been no blows that he saw,* nor did he know the cause of their firing—Mr. *Palmes* saw Capt. *Preston* at the head of the Soldiers who were drawn up with *their guns breast high* and their *bayonets*

fixed; and *Preston* told him they were *loaded* with powder and *ball*—I think I have mentioned all the witnesses, who testified in court to what they saw upon the first arrival of the party at the custom-house: And by their testimonies the reader will judge, whether the Soldiers had just provocation to fire upon the people; or whether they were in danger of their lives or had any reason to think they were: On the contrary, whether they did not themselves first *assault* the people as they were coming from the main guard; and afterwards, by levelling their guns loaded with ball in an exasperating manner at the people; pushing their bayonets at some of them, wounding others and threatning all, even before any injury had been offer'd to them.

I shall conclude what I have to say upon this interesting subject in my next. In the mean time let me assure *Philanthrop*, that I am fully of his mind, that a true patriot "will not from *private* views, or by any ways or means foment and cherish groundless fears and jealousies": But perhaps we may not be so well agreed in our determination, *when* the fears and jealousies of our fellow citizens are *groundless*—It is I believe the general opinion of judicious men, that *at present* there are good grounds to apprehend a settled design to enslave and ruin the colonies; and that some men of figure and station in America, have adopted the plan, and would gladly lull the people to sleep, the easier to put it in execution: But I believe *Philanthrop* would be far from acknowledging that *he* is of that opinion. The fears and jealousies of the people are not always groundless: And when they

become general, it is not to be presum'd that they are; for the people in general seldom complain, without some good reason. The inhabitants of this continent are not to be dup'd "by an artful use of the words *liberty* and *slavery*, in an application to their *passions*," as Philanthrop would have us think they are; like the miserable Italians, who are cheated with the names "*Excommunication, Bulls, Crusades*," &c. They can distinguish between "*realities* and *sounds*"; and by a proper use "of that reason which Heaven has given them", they can judge, as well as their betters, when there is danger of *slavery*: They have as high a regard for George the III. as others have, & yet can suppose it possible they may be made *slaves*, without "*enslaving* themselves by their own *folly* and *madness*"; They can believe, that men who "are bone of our bone, and flesh of our flesh, *born* and *bred* among us," may, like *Achan*, for a wedge of gold, detach themselves from the *common* interest, and embark in *another* bottom; in hopes that they, "with their *wives* and *children*" will one day *stand* and see, and enjoy, and triumph, in the ruins of their country: Such instances there have been frequently in times past; and I dare not say, we have not *at present*, reason enough for "exclaiming with the roman patriot, *O tempora, O mores*". The *true patriot* therefore, will enquire into the causes of the *fears* and *jealousies* of his countrymen; and if he finds they are not *groundless*, he will be far from endeavoring to allay or stifle them: On the contrary, constrain'd by the *Amor Patriæ*, and from *public* views, he will by all proper means in his power *foment* and

cherish them: He will, as far as he is able, keep the attention of his fellow citizens awake to their grievances; and not suffer them to be at rest, till the causes of their just complaints are removed.—At such a time *Philanthrop's* Patriot may be "very cautious of charging the want of *ability* or *integrity* to those with whom any of the powers of government are entrusted": But the *true* patriot, will constantly be jealous of those very men: Knowing that power, especially in times of corruption, makes men wanton; that it intoxicates the mind; and unless those with whom it is entrusted, are carefully watched, such is the weakness or the perverseness of human nature, they will be apt to *domineer* over the people, instead of governing them, according to the known laws of the state, to which *alone* they have submitted. If he finds, upon the best enquiry, the want of ability or integrity; that is, an ignorance of, or a disposition to depart from, the constitution, which is the measure and rule of government & submission, he will point them out, and *loudly proclaim* them: He will stir up the people, *incessantly* to complain of *such men*, till they are either reform'd, or remov'd from that sacred trust, which it is dangerous for them any longer to hold.—*Philanthrop* may tell us of the hazard "of disturbing and *inflaming* the minds of the *multitude* whose passions know no bounds": A traitor to the constitution alone can dread this: The *multitude* I am speaking of, is the *body of the people*—no *contemptible* multitude—for whose sake government is instituted; or rather, who have themselves erected it, solely for *their own* good—to whom even kings and

all in subordination to them, are strictly speaking, servants and not masters. "The constitution and its laws are the basis of the public tranquility—the firmest support of the public authority, and the *pledge* of the liberty of the citizens: But the constitution is a vain Phantom, and the best laws are useless, if they are not religiously observed. The nation ought then to watch, and the *true* patriot will watch very *attentively*, in order to render them equally respected, by *those who govern*, and the people destin'd to obey"—To violate the laws of the state is a capital crime; and if those guilty of it, are invested *with authority*, they add to this crime, a perfidious abuse of the power with which they are entrusted: "The nation therefore, the people, ought to suppress those abuses with their utmost care & *vigilance*"—This is the language of a very celebrated author, whom I dare say, *Philanthrop* is well acquainted with, and will acknowledge to be an *authority*.

Philanthrop, I think, speaks somewhat unintelligibly, when he tells us that the well being and happiness of the whole depends upon *subordination*; as if mankind submitted to government, for the sake of being *subordinate*: In the state of nature there was subordination: The weaker was *by force* made to bow down to the more powerful. This is still the unhappy lot of a great part of the world, under government: So among the brutal herd, the strongest horns are the strongest laws. Mankind have entered into political societies, rather for the sake of restoring *equality*; the want of which, in the state of nature, rendered existence uncomfortable and even dangerous.

I am not of levelling principles: But I am apt to think, that constitution of civil government which admits equality in the most extensive degree, consistent with the true design of government, is the best; and I am of this opinion, because I agree with *Philanthrop* and many others, that man is a social animal. Subordination is necessary to promote the purposes of government; the grand design of which is, that men might enjoy a greater share of the blessings resulting from that social nature, and those rational powers, with which indulgent Heaven has endow'd us, than they could in the state of nature: But there is a degree of subordination, which will for ever be abhorrent to the generous mind; when it is extended to the very borders, if not within the bounds of slavery: A subordination, which is so far from conducing "to the welfare and happiness of the whole", that it necessarily involves the idea of that worst of all the evils of this life, a tyranny: An abject servility, which instead of "being essential to our existence as a people," disgraces the human nature, and sinks it to that of the most despicable brute.

I cannot help thinking, that the reader must have observed in *Philanthrop's* last performance, that a foundation is there laid for a dangerous superstructure: and that from his principles, might easily be delineated a plan of *despotism*, which however uncommon it may be, for the laws and constitution of the state to be openly and boldly oppos'd, our enemies have long threatened to establish by *violence*. If *Philanthrop* upon retrospection shall think so, he will, like a prudent physician, administer an antidote for

the poison: If not, I hope the attention of others will be awakened to that excellent maxim, "no less essential in politicks than in morals", *principiis obsta*. It is impolitick to make the first attempt to enslave mankind by *force*: This strikes the imagination, and is alarming: "Important changes *insensibly* happen: It is against silent & slow attacks that a nation ought to be particularly on its guard."

VINDEX.

Jan. 15th.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, January 28, 1771.]

To the PRINTERS.

IN my last, I recollected the testimonies of the witnesses on both sides, who related in court the behavior of the soldiers and the people, on the fatal evening of the fifth of March last. The reader, if he pleases, will judge; whether the people struck the soldiers guns, or threw snow balls or any other thing, or offer'd them the least violence, from their first turning out till they had march'd to the custom-house, abused, threatned, beat and wounded the people, loaded their guns with powder and ball, levelled them, and waved them in an exasperating manner, and gave out that they would fire; for, if Andrew is to be believed, he testified, that when one of the persons talking with the officer, turn'd and said, "they are going to fire", the people shouted, and said "they dare not fire", and then they began to throw snow balls. If all these things were done by the soldiers, before the

people offer'd them any injury, I would ask, who made the first assault? If there was an unlawful assembly, who were they? Were the people the unlawful assembly, who were collected together, some from an apprehension of fire in the town, and with the necessary preparations, engines and buckets, to have extinguish'd it, if there had been one; others from the more alarming apprehension, that the soldiers had issued from the barracks, as indeed they had done, and that agreable to their threatnings many days before, and their correspondent behavior on that very evening, they were massacreing the inhabitants? Were they, who bore all that insolent and irritating language from the soldiers, as they march'd from the main guard, and before they form'd at the custom-house; who were push'd at, struck with bayonets and wounded, to be charg'd with being the aggressors, because they finally, when they saw them bent upon firing against repeated warnings, took such methods as their understanding dictated to them, in the midst of such a scene, to prevent their "committing so rash an act"? An act, which it was the duty as well as the profess'd design of their officer to have prevented; and which, in the opinion of some, he might have prevented if he would: And yet we find a person of high rank and figure in this province, testifying in court in the case of Capt. Preston, that such was his opinion of the prudence of this same officer, that he should have chosen him out to have commanded upon a like occasion.

I believe, that in ordinary times, if a banditti of men of violence had been seen, with guns loaded and

bayonets fix'd, trembling with rage, and ready to fire upon a multitude in the street, it would have been counted meritorious, in any man or number of men, at all events to have disarm'd them ; and if death had ensued in the attempt, perhaps it would not have been adjudg'd excuseable homicide or manslaughter. I am sensible it is said by some, that it was the duty of the soldiers to maintain their post : It was sworn by a military officer in court, that " the centinel at the custom-house, was station'd and appointed by the commanding officer, Lieut. Colonel Dalrymple ; that they could not stir from their post, and it was at their peril if they did " ; and Capt. Preston in his state of the case says, " He sent a party to protect the centinel " : But this is military language ; to be used in camps and garrison'd towns, not in free cities ; in courts martial, and not in courts of common law : It is dangerous to adopt military maxims, however pleasing they may be to some men, and to bring them into use in civil societies : If the centinel had been in danger, as was pretended, the law of the land, to which the most distinguish'd officer in the King's army is subjected, would have protected that centinel : Or, if there had indeed been a dangerous mob, the law would have suppress'd it ; and no soldier should have dared to have interfered, as a soldier, without the command of a civil magistrate.

Capt. Preston in his state has said, " The mob still increas'd, and was more outrageous " : And what did he say the mob did after they became more outrageous ? Why, " they struck their clubs or bludgeons one against another : and called out, come on

you rascals, bloody backs, lobster scoundrels, fire if you dare, we know you dare not fire, and much more such language": But surely it will not be said, that all this would justify or excuse their firing: This was after the soldiers had insulted and wounded the people, and had loaded their guns and threatned to fire, as appears by the current evidence; and yet hitherto, by his own account, we find no violence nor even threat offer'd to the soldiers; nothing but hard names and daring them to fire. He adds, "while I was parleying and endeavoring all in my power to perswade them to retire peaceably—they advanced to the points of the bayonets, struck some of them, and even the muzzels of the peices"; which corresponds with the testimonies of some of the witnesses in court before mentioned, who said that while they were loading, the people struck their guns; very probably, however indiscrete it might be, to prevent their firing. He further says "they seem'd to be endeavoring to close in with the soldiers": This was not mention'd by any witness in court, nor does it seem to be likely: Indeed, I cannot see how Capt. Preston could imagine, that they seem'd to be endeavoring to close in with the soldiers: He says, "he was talking with some well behaved persons, who had asked him whether he intended to order the men to fire": Some of the witnesses mention'd the people's pressing in, and more naturally accounted for it, viz. from a curiosity "to know what was said". Capt. Preston adds, "while I was thus speaking (with the well behaved persons, and in all likelihood at the very instant, when Andrew testified it was said, they

were going to fire) one of the soldiers having received a severe blow with a stick, stepped a little on one side and instantly fired." Upon this, says Capt. Preston, "a general attack was made upon the men": So that there was no general attack, according to his account, till after the firing; which agrees with Mr. Bridgham and other unexceptionable witnesses in court, who declared, that "there was no danger to the soldiers from any thing they saw"—"no molestation, nor any thing which they thought could produce firing": Indeed, one of the witnesses for the prisoners, Mr. Nath. Russell testified, that "the soldiers were in a trembling situation, and seemed to apprehend themselves in immediate danger of death"; but being interrogated, whether their trembling might not be the effect of rage, he replied, perhaps it might proceed both from fear and rage. If there had been such a general attack as Capt. Preston mentions, after one of the soldiers had actually fired, and the others appear'd to be just ready to fire (for they all discharg'd their guns in a few minutes afterwards) it would have been such an appearance as might naturally have been expected; and therefore Capt. Preston, who, as he says, "followed" the party for that very purpose, should have taken more effectual care than he did to have "prevented so rash an act"—There was time enough for him to have at least prevented the continuance of the firing after the first gun was discharg'd, and consequently to have saved the lives of some of his Majesty's subjects; for Mr. Bridgham testified, that there was half a minute between the first and the second gun.

It seems by the evidence, that Montgomery, one of the prisoners, was the first who fired: It is probable that he was the man, whom Captain Preston mentions, as having received a blow: The witnesses varied in their testimonies concerning this fact: He was struck with a stick, either flung from behind or otherwise: Some say he was knock'd down; others, that he did not fall: Capt. Preston himself said, "he stepped a little on one side": Mr. Palmes, who gave, I think, the clearest account of this matter, declared, that he saw Montgomery struck; he stepped or sallied back, he could not say which—he did not fall; he was sure he was not knock'd down before he fired; he could not be, & he not see it, for his hand was laid familiarly on Capt. Preston's shoulder, and the soldier stood close to the Captain; he added, that he himself knock'd Montgomery down, after they had all fired; and the reason was, that because even then, he was going to prick him with his bayonet. It seems, the rage of passion in the breast of this soldier, like that in Killroi's, had not abated, after discharging his piece upon the people: His thirst was not even then asswaged: Upon his attempt, after all the firing, and while numbers were dead on the spot before him, to stab Mr. Palmes, he struck with his stick, and knock'd his gun out of his hand; and then he struck the first man he could, which happened to be Preston: A circumstance related by Preston himself, with this difference; he says he received the blow, as he turned to the man who fired, and asked him why he fired without orders; Mr. Palmes said, it was after all the guns were fired: So

that if Mr. Palmes was not mistaken, Capt. Preston did not put that necessary question, till after all the firing was over, tho' there was half a minute's distance between the first and second gun! Mr. Palmes spake upon oath in court; Capt. Preston did not: Which of them was the more disinterested person, the reader will judge. Mr. Palmes mentioned a further struggle between him and Montgomery; and the soldier, after the third attempt to stab him, in missing him fell to the ground, and he escaped with his life.—Mr. Danbrook saw Montgomery fire, and two persons fall —Mr. Bass also saw the same soldier fire; was sure he did not fall before he fired; he stood where he must have seen it; he thought he fell afterwards, which co-operates with Mr. Palmes's testimony.—Mr. Burdick went up to one of the soldiers, whom he took to be the bald man (pointing at Montgomery); asked him whether he intended to fire; he answered, yes by the eternal God! A soldier push'd his bayonet at him, upon which he struck at him a violent blow and hit the cock of his gun; he saw but one thing thrown, and that was a short stick; he heard a ratling, & took it to be the knocking of the soldiers guns together; for the ground was slippery, and they were continually pushing at the people; after the firing, while the people were taking up the dead, the soldiers began to present and cock their guns, and then the officer said don't fire any more.—Andrew declared, that the soldiers were pushing with their bayonets all the time he was there; and that the people (being advis'd so to do before any gun was discharged) seemed to be turning away to leave the soldiers: he

gives a very minute account of three or four person's coming round Jackson's corner, with a stout man at their head—his throwing himself in and making a stroke at the officer—their paying upon each others heads—and the soldiers paying upon the heads of the people too; and concludes this part of his narrative, with the soldiers firing: It seems however, to be the account of the contest between Mr. Palmes and Montgomery, after all the firing was over, as related by Mr. Palmes; and wro't up and embellished, in a manner in which Andrew was said to be capable of doing, and sometimes to have done upon occasions of mirth, and to divert company.

It appears from what has been said, that after the Soldiers had repeatedly put the lives of individuals in danger, by pushing them with their bayonets and stabbing them; and had loaded their guns and threatned to fire upon the multitude indiscriminately, and the people had reason to apprehend they were just about to put their threats into execution, by a stick thrown as is most probable, Montgomery received a blow: That this was tho't by him sufficient provocation to fire upon the people, by which one of the witnesses said, two persons were killed; that Capt. Preston, at so alarming a juncture took no method to prevent the rest from firing, if what was testified, in court is to be credited; or, if his own account must be rely'd upon, he exerted no authority over his men, but used expostulations only: "I asked him (who first fired and as soon as he had fired) why he fired without order"; very faintly said indeed, by a gentleman in command, and who had followed the

party to "prevent their committing a rash act": What ensued was enough to show, either that he had no command over the men, or that they did not apprehend he was much adverse to their firing; for they soon after fired, and as we are told, without orders— That after they had all fired, Montgomery made three attempts to stab Mr. Palmes, who defended himself, and with difficulty escaped with his life— That the Soldiers had even at that time, again loaded their guns and were then, ready to repeat the bloody "action", and fire upon the people as they were taking care of the dead! Then, for the first time, we hear of a positive order from Capt. Preston "don't fire any more"; His order before should have been, "don't fire by any means", or some other order equivalent to the last, and more regular perhaps than either.— It further appeared by the evidence in court, that when the first gun was fired, the people began to disperse: Mr. Bridgham, whose testimony I presume, will not be disputed, said "they retired after the first gun": Was it not then "such malignity as might hardly have been expected from barbarians," to continue firing! Astonishing as it may be to humanity, this they did: And being resolved to do further execution, Mr. Williams, a person of known credit, testified, that "they waved their guns at the people as they ran": And what, if possible, is still more barbarous, the last man that fired, as Mr. Bridgham testified, "level'd his gun at a boy, and mov'd it along, with the motion of the lad"; which testimony, if it needs it, is confirmed by that of Mr. Helyer: Both agreed that the lad was not wounded.

"I shall make no further comments; there needs none": I will just say, that however safely Philanthrop may speak, when he tells us, that "no individual can have a right, openly to complain or murmur"; if the times at present were even such, as not to allow one openly to declare the utmost detestation of such slavish doctrine, I would still venture to declare my opinion to all the world, that no individual is bound, nor is it in the power of the tyrants of the earth to bind him, to acquiesce in any decision, that upon the best enquiry, he cannot in his conscience approve of. I pretend not to judge the hearts of men: The "temptations that some men could be under, to act otherwise than conformably to the sentiments of their own hearts" are obvious: But I would ask Philanthrop, whether, if a man should openly say, that those temptations have had their genuine effects, he would not expose himself to have a bill of information filed against him, by the attorney general, and to be dealt with in a summary way.—

As it was published to the world by Mr. Draper, that the witnesses in the trial of the custom-house officers, were not credited, I may possibly hereafter, when I shall be more at leisure, make that the subject of a free enquiry.

VINDEX.

TO CHARLES LUCAS.[1]

[MS., Samuel Adams Papers, Lenox Library; the text is in W. V. Wells, *Life of Samuel Adams*, vol. i., p. 383.]

BOSTON [March 12] 1771

SIR

Your Letter of the 1 Sept 1770 has been laid before the Town of Boston at their annual Meeting & attended to with great Satisfaction, and we are appointed a Committee to return a respectfull Answer. Accordingly we take this Opportunity in Behalf of the Town to acknowledge the kind Sentiments your Letter expresses towards us and to intreat you to employ your Abilities for our Advantage whenever a favorable Opportunity may present. We are very sensible that you have an arduous Task in resisting the Torrent of Oppression & arbitrary Power in Ireland: a kingdom where the brutal power of standing Armies, & the more fatal Influence of pensions & places has left, it is to be feard, hardly any thing more than the Name of a free Constitution. We wish you Strength & fortitude to persevere in patriotick Exertions. Your Labour will meet with its immediate & constant Reward, in the most peaceful & happy Reflections of your own mind amidst the greatest discouragements; and be assured that the Man who nobly vindicates the Rights of his Country & Mankind shall stand foremost in the List of fame.

[1] Of Dublin. *Cf. Dictionary of National Biography*, vol. xxxiv., p. 231. The committee which reported this letter was appointed March 12, and consisted of James Bowdoin, Joseph Warren, Samuel Pemberton, Richard Dana and Adams. *Boston Record Commissioners' Report*, vol. xviii., p. 46.

Franklin wrote to Bowdoin, January 13, 1772: "In Ireland, among the patriots, I dined with Dr. Lucas." J. Bigelow, *Complete Works of Benjamin Franklin*, vol. iv., p. 439.

TO ARTHUR LEE.

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON April 19 1771.

SIR

Your Letter of the 31 Dec[r] which I receivd by Cap Scott a few days past affords me great Satisfaction; especially as it promises a Correspondence which I dare say will be carried on with an Openness & Sincerity becoming those who are anxiously concernd for the publick Liberty at so alarming a Crisis.[1] Perhaps there never was a time when the political Affairs of America were in a more dangerous State; Such is the Indolence of Men in general, or their Inattention to the real Importance of things, that a steady & animated perseverance in the rugged path of Virtue at the hazard of trifles is hardly to be expected. The Generality are necessarily engagd in Application to private Business for the Support of their own families and when at a lucky Season the publick are awakened to a Sense of Danger, & a manly resentment is enkindled, it is difficult, for so many separate Communities as there are in all the Colonies, to agree in one consistent plan of Opposition while those who are the appointed Instruments of Oppression, have all the Means put into their hands, of applying to the passions of Men & availing themselves of the Necessities of some, the Vanity of others & the timidity of all.

[1] On January 10, 1771, Lee wrote to Adams: "Our friend Mr. Sayre has done me the favour of communicating to me your very obliging invitation to a correspondence."—R. H. Lee, *Life of Arthur Lee*, vol. i., p. 249.

I have long thought that a Design has been on foot to render ineffectual the Democratical part of this Government, even before the province was cursd with the Appointment of Bernard, and so unguarded have the people been in former times, so careless in the Choice of their representatives as to send too many who either through Ignorance or Wickedness have favord that Design. Of late the lower house of Assembly have been more sensible of this Danger & supported in some Measure their own Weight, which has alarmd the Conspirators and been in my opinion the true Source of Bernards Complaint against them as having set up a faction against the Kings Authority. The 4 Judges of the Supreme Court, the Secretary & the Kings Attourny who had been Councellors were left out at the annual Election in 1766; this gave great offence to the Govr, and was followd with two Speeches to both Houses perhaps as infamous & irritating as ever came from a Stuart to the English parliam^{t}.[1] Happy indeed it was for the Province that such a Man was at the Head of it, for it occasiond such a Jealousy & Watchfulness in the people as prevented their immediate & total Ruin.

The plan however is still carried on tho in a Manner some what different; and that is by making the Governor altogether independent of the People for his Support; this is depriving the House of Representatives of the only Check they have upon him & must consequently render them the Objects of the Contempt of a Corrupt Administration. Thus the

[1] See Vol. I., pages 79, 83.

peoples Money being first taken from them without their Consent, is appropriated for the Maintenance of a Governor at the Discretion of *one in the Kingdom* of Great Britain upon whom he absolutely depends for his Support. If this be not a Tyranny I am at a Loss to conceive what a Tyranny is. The House of Representatives did a few days since, grant the Govr the usual Sum for his Support and it is expected that this Matter will be made certain upon his refusal of it. The Govr of New York was explicit at the late Session of their Assembly, upon the like Occasion: But I confess I should not be surprisd if our good Govr, should accept the Grant & discount it out of what he is to receive out of the Kings Chest; thinking it will be conceivd by the Minister as highly meritorious in him, in thus artfully concealing his Independency (for the Apprehension of it is alarming to the people) & saving £1000 sterling of the revenue at the same time.

While the Representative Body of the people is thus renderd a mere Name, it is . . . considerd that the other Branch of the Legislative tho annually elective, is at the same time subject to the Governors Negative: A Consideration which I doubt not has its full Weight in the minds of some of them at least, whenever any Matter comes before them which they can possibly think will affect the Measures of Administration. You will easily conjecture how far this may tend to annihilate that Branch or produce Effects more fatal.

It seems then that we are in effect to be under the absolute Governm^{t} of one Man—ostensively the Gover-

nor of the province but in Reality some other person residing in Great Britain, whose Instructions the Govr must punctually observe upon pain of forfeiting his place. So that any little advantage that might now & then arise from his happening to form Connections with wise Men in the province are totally lost. As Matters are now circumstancd he must associate with Pensioners, Commissioners of the Customs Officers of the Army & Navy, Tools Sycophants &^c^ who together with him are to make such representations as to them shall seem meet, & joyntly if Occasion shall require it, execute such Orders as they shall from time to time receive. Such is to be the happy Government of free British Subjects in America. I will however do Govr Hutchinson the Justice to say that tho he may[1] . . . yet he has a very natural Connection with some of the principal Gentlemen Inhabitants of the province for his Excellencys own Brother is a Justice of the Superior Court, & also a Judge of the probate of Wills & he has also a Brother by marriage upon the same superior Bench. Moreover the Lt Govr is his Brother by marriage who has an own Brother & a Brother by marriage who are justices of the Superior Court. As these Gentlemen are Natives of the province it is hoped the Channells of Justice will remain unpolluted notwithstanding his Excellencys other Connections.

[1] At this point the words "mar a State of Absolute Independency in both Houses of Assembly" are erased in the draft.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR.

[MS., Samuel Adams Papers, Lenox Library; a text, with modifications, is in *Massachusetts State Papers*, pp. 296, 297; a text is also in *Journal of the House of Representatives, 1770–1771*, pp. 241, 242.]

In the House of Representatives April 24 1771

Orderd that Mr Hancock Mr Adams Mr Ingersol of Great Barrington Capt Brown & Capt Darby be a Committee to wait on his Excellency the Governor with the following Answer to his Speech to both Houses at the Opening of this Session.

May it please your Excellency.

The House of Representatives have given all due Attention to your Speech to both Houses at the Opening of this Session.

The violent proceedings of the Spanish Governor of Buenos Ayres in dispossessing his Majestys Subjects of their Settlement at Port Egmont, has raisd the Indignation of all, who have a just Concern for the Honor of the British Crown. Such an Act of Hostility, we conceive could not but be followd with the most spirited Resolution on the part of the British Administration, to obtain a Satisfaction fully adequate to the Insult offerd to his Majesty, & the Injuries his Subjects there have sustaind. Your Excellency tells us that it is probable Satisfaction may have been made; for this Hostile act of the Spaniards: If it is so, the publick Tranquility of his Majestys Dominions so far as it has been disturbd, by this unwarrantable Proceeding, is again restored; and therefore it seems to us reasonable to suppose, that the proposd Plan of Augmentation of Troops on the

British Establishment is already receded from ; which renders any Consideration upon that Subject on our part unnecessary.

We owe our Gratitude to his Majesty for his repeated Assurances expressd to your Excellency by his Secretary of State, that the Security of his Dominions in America, will be a principal Object of his most gracious Care & Attention. This Province has frequently in times past expended much Blood & Treasure for the Enlargement as well as the Support of those Dominions : And when our natural & constitutional Rights & Liberties, without which no Blessing can be secure to us, shall be fully restord & establishd upon a firm Foundation, as we shall then have the same Reasons and Motives therefor as heretofore, we shall not fail to continue those Exertions with the utmost Chearfulness & to the Extent of our Ability.

As your Excellency has no particular interior Business of the Province to lay before us, it would have given us no uneasiness, if an End had been put to the present Assembly, rather than to have been again called to this Place : And we are unwilling to admit the Beliefe, that when the Season for calling a new Assembly agreable to the Charter shall arrive, your Excellency will continue an Indignity, & a Grievance so flagrant & so repeatedly remonstrated by both Houses as the Deforcement of the General Assembly of its ancient & Rightful Seat.[1]

[1] On April 3 the House had appointed a committee, and on April 4 two committees, in connection with the requests to the Governor to remove the General Court to Boston. Adams was a member of each of these committees.

Your Excellency is pleasd to acquaint us in Form, that you have receivd his Majestys Commission appointing you Captain General & Commander in Chiefe in and over the Province. Your having had your Birth & Education in this Province, and sustaind the highest Honors which your Fellow Subjects could bestow, cannot fail to be the strongest Motives with your Excellency to employ those Powers which you are now vested with, for his Majestys real Service & the best Interest of this People. The Duties of the Governor & Governed are reciprocal: And by our happy Constitution their Dependence is mutual: Nothing can more effectually produce & establish that Order and Tranquility in the Province so often disturbd under the late unfortunate Administration: Nothing will tend more to conciliate the Affections of this People, & ensure to your Excellency those Aids which you will constantly stand in Need of from their Representatives, than, as a wise and faithful Administrator to make Use of the publick Power, with a View only to the publick Welfare: And while your Excy shall religiously regard the Constitution of this Province; while you shall maintain its fundamental Laws, so necessary to secure the publick Tranquility, you may be assured, that his Majestys faithful Commons of this Province, will never be wanting in their utmost Exertions to support you in all such measures, as shall be calculated for the publick Good, & to render your Administration prosperous & happy.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR.[1]

[MS., Samuel Adams Papers, Lenox Library ; a text, with modifications, is in *Massachusetts State Papers*, p. 298 ; a text is also in *Journal of the House of Representatives, 1770–1771*, p. 246.]

In the House of Representatives April 25 1771

Orderd that Mr Saml Adams Brig Ruggles Mr Hersy Coll Bowers & Mr Godfrey be a Committee to wait on his Excellency with the following message.

May it please your Excellency.

The House of Representatives after Enquiry of the Secretary cannot be made certain whether you have yet given your Assent to two Bills which were laid before your Excellency early in this Session: The one for granting the Sum of five hundred and Six pounds for your Services when Lieutenant Governor and Commander in Chiefe; and the other for granting the usual Sum of Thirteen hundred Pounds to enable your Excellency, as Governor, to carry on the Affairs of this Province.

And as your Excellency was not pleasd to give your Assent to another Bill passd in the last Session of this Assembly, for granting the Sum of three hundred & twenty five pounds for your Services, when in the Chair, as Lieutenant Governor, the House are apprehensive that you are under some Restraint; and they cannot account for it upon any other Principle, but your having Provision for your

[1] On April 24, Adams moved that the House send a message to the Governor asking whether provision had been made for his support independently of the legislature. The motion was carried, and Adams was named as the first member of the committee to prepare such a message. On April 25, he was named as the first of a committee to present the message to the Governor.

Support, in some new and unprecedented manner. If the Apprehensions of the House are not groundless, they are sollicitous to be made certain of it, before an End is put to the present Session;[1] and think it their Duty to pray your Excellency to inform them, whether any provision is made for your Support, as Governor of this Province, independent of his Majestys Commons in it.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, June 10, 1771.]

Messieurs EDES & GILL,

BENEVOLUS, in Mr. *Draper's* Gazette seems to have no doubts in his mind, but that "a general air of satisfaction arising from the accounts given in the last Monday's papers of the present state of our publick affairs will shew itself universally thro' the province." I have no inclination to disturb the sweet repose of this *placid* gentleman; but I must confess I see no cause for such a *general* air of satisfaction from those accounts, and I will venture to add, that there is no appearance of it in this town—Does *Benevolus* think it possible for the good people of this province to be *satisfied*, when they are told by the Governor, as appears by the last Monday's papers, that he is restrained from holding the court in its antient, usual and most convenient place without his Majesty's express leave? Does not the charter say that the Governor shall have the power of acting in

[1] The General Court was dissolved on April 26.

this matter "*as he shall judge necessary*"? Is it not of great importance to the welfare of the province that the Governor should be vested with such a power, and that he should exercise it without *restraint*? While he is, or thinks himself *fetter'd*, by an *absolute* instruction to hold the assembly out of the town of Boston, to the inconvenience of the members and the injury of the people, as the *present* House of Representatives express it, can he be said to have the *free* exercise of all the powers vested in him by the charter, which is our social compact? Will it yield such a *general* satisfaction to the people as *Benevolus* expects, to see their Governor thus *embarrass'd* in his administration, and to hear him expressly declaring, that he must *ask leave*, and be determin'd by the judgment of *another* in the matter in which it is his indispensible duty to act with *freedom*, and by the determination of *his own* judgment. —Is not this power devolv'd upon him by the constitution of the province *for the good* of the people? Is it not a *beneficiary* grant, and therefore a *right* of the people? And if instructions may controul him in the exercise of one charter right, may they not controul in the exercise of any or every one? And yet *Benevolus* would fain have it thought that there is a *general* satisfaction in the town of Boston arising from this account, and doubts not but it will run thro' the province. Does not the present House of Representatives in their Remonstrance to the Governor against the holding the assembly at Cambridge, instead of "departing from the principles" as *Benevolus* would insinuate, *adopt* the remonstrances of the

two houses of the last year as founded upon *just* principles? Do they not tell his Excellency that the holding the assembly at Cambridge "was consider'd as a GRIEVANCE by the people *in general* in the province; and that while it is continued it will have a tendency to prevent a restoration of that harmony, between the several branches of the general assembly, which is so earnestly to be desired by all good men"? And is it so pleasant a story to be told to the people of the province, that the Governor either *cannot*, or *will not*, remove a *Grievance* of so fatal a tendency, though expressly vested by the charter with the power of doing it if he pleases, without *asking leave* to do it? How then can *Benevolus* possibly entertain the least hopes that a *general* air of satisfaction will run thro' the province? Is not this Instruction a *novelty?* Was ever a Governor before thus restrain'd? And is it not a *mortifying* circumstance that a gentleman from whom the *clergy* of the province, (I mean the *goodly* number of SEVENTEEN out of near four hundred in the province, *full seven eighths of whom never heard that an address was intended*) have express'd the most *sanguine* expectations as being *born* and *educated* among us, and who we are told accepted the government with *great reluctance*, should *submit* to be shackled with an instruction so grievous to the people while it is obey'd: And if HE is as resolv'd as any *other* Governor would be, to make Instructions *the rule* of his governing, and give them *the force of laws* in this province, as he certainly appears to be, what "distinguishing mark of favor" is it, or what satisfaction can it afford the people *in*

general, that "a *native* of the province is appointed to preside over it"?—Surely *Benevolus* must either be totally inadvertent to the accounts of the state of our publick affairs as given to us in the last Mondays papers, or he must have altogether confided in the accounts of a *confused* writer in the Evening-Post, who in the old stile of the hackney'd writers in *Bernard's* administration, tells us that FACTION is now at an end; and with an awkward air of gravity insinuates, that the people, after having nobly struggled for their freedom, are, under the *benign influence* of the present administration, "returning to their right senses". A firm and manly opposition to the attempts that have been made, and *are still* making, to enslave and ruin this continent, has always been branded by writers of this stamp, with the name of a FACTION. Governor *Bernard* used to tell *his Lordship*, that it was an "*expiring* faction"; with as little reason it is now said to have *given up the ghost*: Gladly would some, *even of the Clergy*, persuade this people to be *at ease*; and for the sake of peace under the administration of "*a son of the province*", to acquiesce in unconstitutional revenue acts, arbitrary ministerial mandates, and absolute despotic independent governors, &c. &c. But the time is not yet come; and I am satisfied that, notwithstanding the address of *a few* who *took the opportunity* to carry it through, while *only* the small number of *twenty-four were present*, there is in that venerable order a great majority, who will not go up to the house of Rimmon, or bow the knee to Baal.

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, June 17, 1771.]

Messieurs EDES & GILL,

It is not very material whether the Address of the *Convention of the Clergy*, as it is called by the *Layman*, in Mr. *Draper's* last Paper, was the Act of seventeen or twenty three Gentlemen, or whether there were only twenty-four or thirty present, when the Vote was procured.—Be it as it may, it is a Question, why this Matter was bro't on and *finished* so early, and when so small a Number as thirty, *if so many*, were present.—It is said that after the Address was Voted, the Number increased to Sixty; and upon a Proposal to reconsider the Vote, "not above Ten of that Number voted for such Reconsideration." Allowing this to be the Case, it appears, that not more than one in seven of the Congregational Clergy of this Province were at the Meeting, and in all Probability seven-eights of that Denomination never heard that an Address was intended; for I am told, that upon a moderate Computation, their Number in the Province is at least upwards of Four-Hundred. I should be glad therefore, if the Reverend Doctor who presided at the Meeting, would inform us, with what Propriety the World is told, that this was "*the Address of the Congregational Ministers* of the Province."

For my own Part, I pay very little Regard to Addresses to Great Men: Whenever they appear to be but the *Breath of Flattery*, they must be offensive to the Ears of any Man who has the Feelings of *Truth* and *Sincerity* in his own Breast.—There is no Question but the Clergy have a Right to address whom

they please; and it is not strange to find *some* of them ready to *make their Compliments* to a Governor—It is in Course: But of all Men, we are to expect *from them*, even upon *such* Occasions, Examples of that *Simplicity* and *godly Sincerity*, which we so often hear them inculcate from the Pulpit.—I do not pretend to charge them with a Failure in this Instance: But I cannot help thinking, that rather more of those excellent *Christian* Graces would have appeared in these *Reverend Addressers*, if they had ascertained *the Number* present. This might have prevented a Mistake in many of the distant Readers, who may possibly conceive that "so kind, so affectionate an Address," contained the *declared* Sentiments of a Majority at least of the "respectable and venerable" Body of the Clergy of the Province; which cannot be true, if in Fact not more than a *seventh* Part of them knew any Thing about it.—I am with due Veneration for "*the Congregational Ministers of the Province.*"

CANDIDUS.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO BENJAMIN FRANKLIN.[1]

[*Boston Gazette*, July 29, 1771; a text from the Bowdoin MS. is in *Proceedings* of Massachusetts Historical Society, Ser. I., vol. viii., pp. 468–473.]

PROVINCE OF MASSACHUSETTS BAY,
June 29, 1771.

SIR,

Your letter of the 5th of February[2] has been laid before the House: The contents are important and claim our fixed attention.

[1] Page 46, note, applies also to the authorship of this letter.

[2] J. Bigelow, *Complete Works of Benjamin Franklin*, vol. iv., p. 378.

We cannot think the doctrine of the right of Parliament to tax us is given up, while an act remains in force for that purpose, and is daily put in execution; and the longer it remains the more danger there is of the people's becoming so accustomed to arbitrary and unconstitutional taxes, as to pay them without discontent; and then, as you justly observe, no Minister will ever think of taking them off, but will rather be encouraged to add others.—If ever the provincial assemblies should be voluntarily silent, on the Parliament's taking upon themselves a power thus to violate our constitutional and Charter Rights, it might be considered as an approbation of it, or at least a tacit consent, that such a power should be exercised at any future time. It is therefore our duty to declare our Rights and our determined Resolution at all times to maintain them: The time we know will come, when they must be acknowledged, established and secured to us and our posterity.

We severely feel the effects, not of a revenue raised, but a tribute extorted, without our free consent or controul. Pensioners and Placemen are daily multiplying; and fleets and standing armies posted in North America, for no other apparent or real purpose, than to protect the exactors and collectors of the tribute; for which they are to be maintained, & many of them in pomp & pride to triumph over and insult an injured people, and suppress if possible, even their murmurs. And there is reason to expect, that the continual increase of their numbers will lead to a proportionable increase of a tribute to support them. What would be the consequence? Either on the

one hand, an abject slavery in the people, which is ever to be deprecated; or, a determined resolution, openly to assert and maintain their rights, liberties and privileges. The effects of such a resolution may for some time be retarded by flattering hopes and prospects; and while it is the duty of all persons of influence here to inculcate the sentiments of moderation, it will in our opinion, be equally the wisdom of the British administration, to consider the danger of forcing a free people by oppressive measures into a state of desperation. We have reason to believe that the American Colonies, however they may have disagreed among themselves in *one mode* of opposition to arbitrary measures, are still united in the main principles of constitutional & natural liberty; and that they will not give up one single point in contest of any importance, tho' they may take no violent measures to obtain them.—The taxing their property without their consent, and thus appropriating it to the purposes of their slavery and destruction, is justly considered, as contrary to and subversive of their original social compact, and their intention in uniting under it: They cannot therefore readily think themselves obliged to renounce those forms of government, to which alone for the advantages imply'd or resulting, they were willing to submit. We are sensible, as you observe, that the design of our enemies in England, as well as those who reside here, is to render us odious as well as contemptible, and to prevent all concern for us in the friends of liberty in England; and perhaps to detach our Sister Colonies from us, and prevent their aid and influence in our

behalf, when the projects of oppressing us further and depriving us of our Rights by various violent measures, should be carried into execution. In this however, we flatter ourselves they have failed: But should all the other Colonies become weary of their liberties, after the example of the Hebrews, this Province we trust, will never submit to the authority of an absolute government.

We are now led to take notice of another fatal consequence, which we are under strong apprehensions will follow from these parliamentary revenue laws; and that is, the making the governors of the colonies, and other officers, independent of the people for their support. You tell us there is no doubt of such intention, and that it will be persisted in, if the American revenue is found sufficient. We are the more inclin'd to believe it, not only because the governor of the province of New-York has openly declared it with regard to himself, to the assembly there; but because the present governor of this province has repeatedly refused to accept of the usual grant for his support, tho' he has not been so explicit as to assign a reason for it. The charter of this province recognizes the natural Right of all men to dispose of their property: And the governor here, like all other governors, kings and potentates, is to be supported by the free grants of the Representatives of the people. Every one sees the necessity of this to preserve the balance of power and the freedom of any state: A power without a check, is subversive of all freedom: If therefore the governor, who is appointed by the crown, shall be totally inde-

pendent of the free grants of the people for his support, where is the check upon his power? He becomes absolute and may act as he pleases: He may make use of his power, not for the good of those who are under it, but for his own private separate advantage, or any other purpose to which he may be inclined, or instructed by him upon whom alone he depends. Such an independency threatens the very being of a free constitution; and if it takes effect, will produce and firmly establish a tyranny upon its ruin. The act of parliament of the 7 Geo. 3.[1] intitled, "An act for granting certain duties in the Colonies, &c." declares That it is expedient that a revenue should be raised in his Majesty's dominions in America, for making more certain and adequate provision for the defraying the charge of the administration of justice, and the support of civil government in such colonies where it shall be found necessary; and, towards further defreying the expences of defending, protecting and securing the said dominions. —These are the very purposes for which this government by the Charter is empowered to grant taxes: So that by the act aforementioned, the Charter is in effect made void. Agreeable to the design of that act, the governor it seems is first to be made independent; and in pursuance of the plan of despotism, the judges of the land, and all other important civil officers, successively: Next follows an independent military power, to compleat the ruin of our civil liberties.—Let us then consider the power the Governor already has, and his Majesty's negative on all our

[1] Chap. 46.

acts, and judge whether the purposes of tyranny will not be amply answered! Can it be expected that any law will pass here, but such as will promote the favourite design? And the laws already made, as they will be executed by officers altogether dependent on the crown, will undoubtedly be perverted to the worst purposes. The governor of the province, and the principal fortress in it, are probably already thus supported. These are the first fruits of the system: [If the rest should follow, it would be only in a greater degree, a violation of our essential, natural rights. For what purpose then will it be to preserve the old forms without the substance? In such a state, and with such prospects, can Britain expect anything but a gloomy discontent in the Colonies?] Let our fellow-subjects there recollect, what would have been their fate long ago, if their ancestors had submitted to the unreasonable and uncharitable usurpations, exactions and impositions of the See of Rome, in the reign of Henry the VIII. Soon would they have sunk into a state of abject slavery to that haughty power, which exalteth itself above all that is called God: But they had the true spirit of liberty, and by exerting it, they saved themselves and their posterity; The act of parliament passed in the 25th of that reign,[1] is so much to our present purpose, that we cannot omit transcribing a part of it, and refer you to the statute at large. In the preamble it is declared, that "the realm of England hath been and is free from subjection to any man's law but only to such as have been devised, made and ordained within

[1] Chap. 21. The quotation from the statute is inexact.

the realm for the wealth of the same." And further, "it standeth therefore with natural equity and good reason, that in every such law humane made within this realm by the said sufferance, consents and customs, your Royal Majesty and your Lords spiritual and temporal and Commons *representing the whole state of your realm* in this your Majesty's high court of parliament, hath full power and authority, not only to dispense, but also to authorize some *elect* person or persons to be sent to dispense with those and all other humane laws in this your realm, and with every one of them, as the quality of *the persons and matter* may require. And also the said laws and every one of them to abrogate, annul, amplify or diminish, as it shall seem to your Majesty and the Nobles and Commons of your realm present in parliament meet and convenient for the wealth of your realm. And because that it is now in these days present seen, that the state, dignity and superiority, reputation and authority of the said imperial crown of this realm, by the long sufferance of the said unreasonable and uncharitable usurpation and exaction is much and sore decayed, and the people of this realm thereby much impoverished." It is then enacted, that "no person or persons of the realm, or of any other his Majesty's dominions, shall from henceforth pay any pensions, censes, portions, peter pence, or any other impositions to the use of the said Bishop of the See of Rome; but that all such pensions, &c. which the said Bishop or Pope hath heretofore taken—shall clearly surcease, and never more be levied or paid to any person or persons in any manner or wise."—

Nothing short of the slavery and ruin of the nation would have been the consequence of their submitting to those exactions: And the same will be the fate of America, if the present revenue laws remain, and the natural effect of them, the making governors independent, takes place.

It is therefore with entire approbation that we observe your purpose freely to declare our Rights, and to remonstrate against the least infringement of them. [The capital complaint of all North-America, hath been, is now and will be until relieved, a subjugation to as arbitrary a tribute as ever the Romans laid upon the Jews,] or their other colonies: The repealing these duties in part is not considered by this house as a renunciation of the measure: It has rather the appearance of a design to sooth us into security in the midst of danger: Any species of tribute unrepealed, will stand as a precedent, to be made use of hereafter as circumstances and opportunity may admit: [If the Colonies acquiesce in a single instance, it will in effect be yielding up the whole matter and controversy.] We therefore desire it may be universally understood, that altho' the tribute is paid, it is not paid freely: It is extorted and torn from us against our will: We bear the insult and the injury for the present, grievous as it is, with great impatience; hoping that the wisdom and prudence of the nation will at length dictate measures consistent with natural justice and equity: For what shall happen in future, *We* are not answerable: Your observation is just, that it was certainly as bad policy, when they attempted to heal our differences,

by repealing part of the duties only, as it is bad Surgery to leave splinters in a wound which must prevent its healing, or in time occasion it to open afresh.

The doctrine, that no agent ought to be received or attended to by government, who is not appointed by an act of the general court, to which the governor has given his assent, if established, must be attended with very ill consequences; for, besides the just remarks you made upon it, if whatever is to be transacted between the assemblies of the Colonies and the government, is to be done by agents appointed by and under the direction of the three branches, it will be utterly impracticable for an assembly ever to lay before the Sovereign their complaints of grievances occasioned by the corrupt and arbitrary administration of a governor. This doctrine, we have reason to think, was first advanced by governor Bernard, at a time when he became the principal agent in involving the nation and the Colonies in controversy and confusion: Very probably, it now becomes a subject of instruction to governor Hutchinson[1] who refuses to confirm the grants of the Assembly to the Agents for the respective houses. In this he carries the point beyond Governor Bernard who assented to grants made in general terms for services performed, without holding up the name of agent: But governor Hutchinson declines his assent even in that form; so that we are reduced to a choice of difficulties, either to

[1] Since the writing of this letter an Instruction of this kind is arrived, which has been communicated by the Governor to his Majesty's Council; and is recorded in their Journal!

have no agent at all, but such as shall be under the influence of the minister; or to find some other way to support an agent than by grants of the general assembly.—But we are fallen into times, when governors of colonies seem to think themselves bound to conform to instructions, without any regard to the civil constitution, or even the public safety.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, July 1, 1771.]

MESSIEURS EDES & GILL,

The *Layman*, who again appeared in Mr. *Draper's* last Thursday's Gazette, is sollicitous to know why *Candidus* "pitched upon the specific Number *seventeen*, as present at the late Convention of the Clergy, and voting for an Address to his Excellency the Governor; and further, he asks, Whether "it was not purposely done to throw an undeserved Reproach on that reverend Body."—I will endeavour to answer the *Layman* in a Manner not "militating," as he charges me with having done before, "with my assumed denomination."—I mentioned that "specific number," because I was told by several reverend Gentlemen who were present at the Convention, that the Address was bro't on *early*, when only *twenty-four* had got together; and that of this number, *seventeen only* voted in favor of it. I own I thought it unlucky, that the precise Number *seventeen* should appear to countenance the Address, because I agree with the *Layman* that it has of late become an "obnoxious

Number." I have Reason to think I was *truly* informed; if it was a misrepresentation, *the Reverend Doctor who presided at the Meeting*, may set us right, if he thinks it worth his While. I am still of Opinion, that is immaterial *to my Purpose*, whether twenty-four or thirty Gentlemen were present, when the Address was *carried through*; either of those numbers being *very inconsiderable*, when compared with the whole Number of Congregational Ministers in the Province, which is said to be at least four Hundred.—Allowing that the Number, *after the Address had passed*, was augmented to Sixty, and that Fifty of them were against *reconsidering* the Matter, it is not certainly to be inferred from thence, that all those Fifty would have voted for an Address, if they had been present when it was first proposed. But however that might be, the Propriety (to say the least) of calling it, *An Address of the Congregational Ministers of the Province*, when not more than about One in Seven of them were present, or in any Likelihood ever had heard that any Address was intended, yet remains a Question: And I again say, I should be glad to see it reconciled with that *Simplicity* and *Godly Sincerity* which we often hear inculcated from the Pulpit.—The *Layman* supposes, that it is with the Convention as "with *other Corporate Bodies*, convened at stated Time and Place"—Now other corporate Bodies are *notified* of the Matters to be transacted at Time & Place; but no Notice was given to "the Congregational Ministers of the Province" that an Address to his Excellency the Governor was to be proposed; and as this is said to be the first Instance of an

Address to a Governor ever made by the Convention, it is not likely that seven-eighths of them, *who were absent*, ever had it in contemplation. But after all, I would ask, "with Modesty, Decency, and Charity," and with *Humility* too, all which I take to be excellent Christian Graces, as well as *Sincerity;* by what Authority is the Convention of the Clergy, *as it is called*, constituted "a *corporate Body*"? I am nevertheless, with all due Respect to *the Ministers of the Congregational Churches*,

Your's,

CANDIDUS.

P. S. Perhaps an Address of Thanks from the Convention of the Reverend & very venerable Dr. Chauncy, for his excellent Defence of their *ecclesiastic* Constitution, *at a Time when they stood in need of so able a Defender*, may be judg'd *by some* to be rather more *in Character* than a *political* Address to the Man *in Power*.

C.

Postscript the 2d. I am inform'd that it was first propos'd to address his Excellency at Cambridge, *after Dinner* on the Day of Election, and that the Reason assign'd for it was, because it had been *unjustly* asserted that his —— had stood Sponsor at a Christening—The Truth of which Assertion, however, it is also said, might have been made evident by enquiring of a worthy Clergyman of the Church of England in that Town,

C.

TO ARTHUR LEE.

[R. H. Lee, *Life of Arthur Lee*, vol. ii., pp. 173–177.]

BOSTON, July 31st, 1771.

SIR,—

Since I received your favour of the 28th of March, I have observed by the London papers that the lord-mayor and alderman are liberated. From the wisdom and firmness which formerly distinguished that opulent and independent city, we expected that when they had so fair an occasion for exerting themselves, the power which has too long oppressed and insulted the nation and the colonies, would have been made to bend. But we have seen complimentary letters and addresses to the imprisoned gentlemen, and their answers; while by a stretch of arbitrary power they have been kept in confinement, till by a prorogation instead of a dissolution, they have been discharged of course. Is this my friend a matter of such triumph? Does it not show that Britons are unfeeling to their condition? Or has brutal force at length become so formidable, that after having in vain petitioned those whose duty it is to redress their grievances, they are afraid to imitate the virtue of their ancestors in similar cases, and redress their grievances themselves?

Mr. Hume, if I mistake not, somewhere says, that if James the Second had had the benefit of the riot-act, and such a standing army as has been granted since his time, it would have been impracticable for the nation to have wrought its own delivery, and establish the constitution of '88. If the people have put it in the power of a wicked and corrupt ministry

to make themselves absolute lords and tyrants over them by means of a standing army, we may at present pity them under the misfortune; but future historians will record the story with astonishment and indignation, and posterity, who will share in the fatal effects of their folly and treachery, will accuse them. Has there not for a long time past been reason to apprehend the designs of a restless faction to oppress the nation; and the more easily to affect their purposes, to render the king's government obnoxious, and if possible put an end to a family which has heretofore supported the rights of the nation, its happiness and grandeur?

In this colony we are every day experiencing the miserable effects of arbitrary power. The people are paying the unrighteous tribute, (I wish I could say they were groaning under it, for that would seem as if they felt they are submitting to it,) in hopes that the nation will at length revert to justice. But before that time comes, it is to be feared they will be so accustomed to bondage, as to forget they were ever free. Swarms of locusts and caterpillars are maintained by this tribute in luxury and splendour, and a standing army, (not in the city thank God, since the 5th March 1770, but within call upon occasion). While our *independent* governor is found to crouch to his superiors, and to look down upon and sneer at those below him, he is from time to time receiving *instructions* how to govern this people, to govern! rather to harass and insult his country in distress. . . . where his adulating priestlings are reminding him he was *born* and *educated*, forgetting perhaps if they ever

knew, that the tyrants of Rome were the *natives* of Rome. Among other edicts which have been lately sent to this governor, there is one which prohibits his assenting to any tax-bill, unless the commissioners and other officers, whose salaries are not paid out of moneys granted by this government, are exempted from a tax on the profits of their commissions. Nothing that I can say will heighten the resentment of a man of sense and virtue against such a mandate; and yet our governor would have us think it is a mark of his paternal goodness. Another instruction forbids the governor to give his assent to grants to any agent, unless he is appointed by a law of the province, or a resolve of the assembly, to which his excellency consents. And a third requires him to refuse his assent to a future election of such councillors as shall presume to meet together as a council, without being summoned by him into his presence. These instructions, so humiliating to the council, the secretary by the governor's order has entered on their journals.

It has been observed that the nearer any man approaches to an absolute independence, the more he will be flattered; and flattery is always great in proportion as the motives of flatterers are bad. These observations are so disgraceful to human nature that I wish I could say they were not founded in experience. Perhaps there never was a man in this province more flattered, or who bore it better, I mean who was *better pleased with it*, than Governor Hutchinson. You have seen Miss in her teens, surrounded with dying lovers, praising her gay ribbons, the dimples in her cheeks or the tip of her ear! In imitation of the

mother country, whom we are too apt to imitate in fopperies, addresses have been procured and presented to his excellency, chiefly from dependants and expectants. Indeed some of the clergy have run into the stream of civility, which is the more astonishing, when it is considered that they altogether depend upon the ability and good disposition of their parishes for their support. But it is certain that not a fifth part, some say not an eighth part of the clergy, were present. It cannot, therefore, be said to be the language of the body of the clergy, and all ages have seen that some of that order have ever been ready to sacrifice the rights as well as the honoured religion of their country, to the smiles of the great. It is a sore mortification that the independent house of representatives, and the town of Boston have refused to make their compliments to a man, whose administration since the departure of the Nettleham Baronet, they can by no means approve of. From hence you will judge whether these addresses speak the sentiments of the people in general, or are any more than the foul breath of sycophants and hirelings.

The province of North Carolina, by accounts from thence, appears to have been involved in a civil war. It is the general opinion here that the people in the back parts of that province have been greatly oppressed, and that the governor, instead of hearkening to their complaints and redressing their grievances, has raised an army and spilt their blood. This it must be confessed, is treating the people under his government much in the same manner as his superiors have treated the nation and the colonies. But their

example may prove dangerous to be followed by a plantation governor. At this distance from Carolina we have not yet received a perfect account from thence. I hope your friends in the adjacent colony of Virginia have wrote you particularly of this important matter. Tryon has arrived at New York, where he is appointed governor. He has already been addressed with all the expressions of *court sincerity*, and perhaps he may hereafter receive the reward of a baronet for his fidelity and courage. 'When vice prevails and impious men bear sway, the post of honour is the private station.'

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, August 5, 1771.]

Messieurs EDES & GILL,

ONE who stiles himself, in Mr. Draper's paper, a Layman, having repeatedly endeavoured in vain to make the Public believe, that the paper presented to governor Hutchinson, by about a fifth part, according to his own account, and as others say, not more than an eighth part of the congregational ministers of this province, ought still to be called "an address of the congregational ministers of this province"; and that its being thus represented in the newspapers, did not betray any want of that simplicity and godly sincerity, which we have so often heard inculcated from the pulpit; and what is still more extraordinary in a vindication of reverend addressers, having sneer'd at me for expressing my regard for these and other emi-

nent christian graces, which however, I have reason to hope are the peculiar ornaments of the generality of the ministers of that denomination ; I say, after all this, he proceeds to tell us, that there never has been an instance of a majority of the clergy present at any convention ; and that the individuals who compose that reverend corporate body, as he would fain have us think it to be, have never before been notified of such political or other matters as a few of them may have taken it into their heads to transact at any future time or place—Are we to infer from thence by any means, that it was fair to call this the address of the body of the congregational ministers of the province? For so it was manifestly intended to be understood, and so it is plain his Excellency himself chose to understand it, as appears by his calling it in his answer, " so kind, so affectionate an address, from so respectable and venerable a body of men "—Aye, but says the Layman, it has been customary for a minority of the congregational ministers of the province, to meet in convention, and address the new governors, without notifying the majority of them, (who have always been absent) of the matter. If this be true, it argues that such former addresses can no more than the last, be fairly called addresses of the body of the clergy, or be so represented or received —This Layman, as he calls himself, mentions the convention in one of his performances, as acting like " other corporate bodies," at the meetings of which the presence of a majority of the members may not be necessary to warrant their proceedings ; but he does not incline to answer my question, viz. When

and by whom they were incorporated? But if they had been a corporate body, the members should have been duly warned of the matters to be transacted, as well as the time and place; otherwise, who does not know that their proceedings must be invalid? To be sure if, without such notification, not a sixth part of them should be present, which is the fact, no one in his senses would plead that they could with fairness be called the proceedings of that corporate body—However, thus it has been represented by the Layman: The reverend addressers themselves, call their address, "An address of the ministers of the congregational churches in the province," and his Excellency receives it very kindly, as coming from so "respectable and venerable a body"—Whatever some of those reverend gentlemen, (I care not how small a number is supposed, for I would be tender of the character of the cloth,) I say, whether some of them might not think, that if the address was supposed to be the declared sentiment of the whole body of the clergy of the province, it would be further supposed, to speak the sentiments of the whole body of the people of the province, and whether they were not under this temptation to give their address so pompous an introduction, I will not presume to say; I shall only in my usual way, and with my usual modesty, as the Layman witnesses, ask whether there is not reason to think it. If this was actually the case, I will just remark, that though the body of the people of this province, treat the clergy, as I hope they always will, with all due respect, yet they are not priest-ridden as in some other parts of the world, and I hope in God

they never will be—They claim a right of private judgment; and they will always venture to express their own sentiments of men or things, of politicks or religion, against the sentiments of the clergy, whenever they think the clergy in the wrong.

This indefatigable Layman threatens to "chastise" me for falshood, in saying I had heard, or "it is said" that this is the first instance of an address ever made to a governor by the convention; but strictly speaking it was truly said, according to his own account; for if a majority of the members which compose the convention, have never met, nor any of the members ever been notified of time, place or matters to be transacted, how can any act be said to have been the act of the convention? But this is not what I intended —— I was told, or to use my own words, it was said in my hearing, that this was the first address to a governor ever made by the convention: I understood it to be the first address ever made to a governor by any number of ministers calling themselves the ministers of the congregational churches of this province met in convention: The Layman has convinced me that I was misinformed: Does it follow that I am chargeable with falshood? a gross violation of truth? Fie, fie, Layman! As your client's cause requires the utmost candor, learn to exercise a little of it towards others; it is a shame for you to rail in behalf of the clergy—An instance is bro't of an address to Governor Pownal, and another to Bernard! But in neither of these instances, as the Layman tells us, were the members of the convention notified, or the majority of them present.

Perhaps only SEVENTEEN met, and an hour before the usual time, as was said by one of the convention to be the case, when the late address was first carried. The Layman indeed insists upon twenty-four; it is immaterial as I said before, since either of these numbers is inconsiderable, in comparison with 300, some say 400 ministers of that denomination in the province. If the Layman thinks it material, I am sorry the Rev. Dr. who presided at the meeting, though repeatedly requested, will not condescend to ascertain it for him —With regard to addresses to governors upon their promotion, so far as it can be presumed that they are well qualified and well dispos'd to employ their shining talents, (for such they all have, if we are to believe the late addresses here and elsewhere,) and to make themselves "diffusive blessings in their exalted stations," those of the clergy and others, who are so very fond of congratulating, let them congratulate, if they please. I believe many of the clergymen who congratulated the Nettleham baronet, and others besides, have since been fully convinced that they have no reason to pride themselves in it. The truth is, every man in power will be adulated by some sort of men in every country, because he is a man in power —TRYON arrives from the bloody scenes of Alamance, and receives the high encomiums of New York, the clergy as well as others, for having "saved a sister colony" by his noble exploit; and another is flattered as being the "father of his country," and "the delight of an obliged and grateful people," by those very men who now detest the administration of BERNARD whom they had before cannonized, altho'

he has assured his noble patron, and many believe it, that this Father of his country is just such an one as himself; that he is pushing forward with the utmost vehemence, tho' in different modes, the same measures, and that he may be depended upon by his Lordship equally with himself. I am with great respect to the congregational ministers,

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, August 19, 1771.]

Messieurs Edes & Gill.

IT has become of late so fashionable for some persons to make their addresses to every one whom they call a great man, that one can hardly look upon them as the genuine marks of respect to any one who is really a good man. Their addresses seem to spring altogether from political views; and without the least regard to the character or merit of the persons whom they profess to compliment in them. From the observations I have been able to make, I have been led to think that one of their designs in addressing, is to give occasion to my Lord of H—— and other great men to think, or at least to say it, whether they think so or not, that the scales have at length fallen from the eyes of the people of this town and province; and that in consequence thereof, they have altered their sentiments, & are become perfectly reconciled to the whole system of ministerial measures; for otherwise, they might argue, could they possibly be so liberal in

their addresses and compliments to those persons who are employed, and no question, are very active in carrying those measures into execution. But I should think that if a question of this consequence, namely, Whether the people have altered their sentiments in so interesting a point, is to be decided by their apparent disposition to compliment this or that particular gentleman, because he is employed in the service of administration in America, it would be the fairest method to call a meeting of the inhabitants of the Town, duly notifying them of the occasion of the meeting, and let the matter be fully debated if need be, and determined by a vote. Every one would then see, if the vote was carried in favour of addressing, or which upon my supposition is the same thing, in favour of the measures of administration, whether it obtain'd by a large or small majority of the whole; and we might come to the knowledge of the very persons, which is much to be desired, as well as the weight of understanding and property on each side.

For my own part, I cannot but at present be of opinion, and "I have reason to believe" that my opinion is well founded, that the measures of the British administration of the colonies, are still as disgustful and odious to the inhabitants of this respectable metropolis in general, as they ever have been: And I will venture further to add, that nothing, in my opinion, can convey a more unjust idea of the spirit of a true American, than to suppose he would even compliment, much less make an adulating address to any person sent here to trample on the

Rights of his Country; or that he would ever condescend to kiss the hand which is ready prepared to rivet his own fetters—There are among us, it must be confess'd, needy expectants and dependents; and a few others of sordid and base minds, form'd by nature to bend and crouch even to little great men:—But whoever thinks, that by the most refined art and assiduous application of the most ingenious political oculist, the "public eye" can yet look upon the chains which are forg'd for them, or upon those detestable men who are employ'd to put them on, without abhorrence and indignation, are very much mistaken—I only wish that my Countrymen may be upon their guard against being led by the artifices of the tools of Administration, into any indiscreet measures, from whence they may take occasion to give such a coloring. "There have been, says the celebrated American Farmer, in every age and in every country bad men: Men who either hold or expect to hold certain advantages by fitting examples of SERVILITY to their countrymen: Who train'd to the employment, or self-taught by a natural versatility of genius, serve as decoys for drawing the innocent and unwary into snares. It is not to be doubted but that such men will diligently bestir themselves on this and every like occasion, to spread the infection of their meanness as far as they can. On the plans they have adopted this is their course. This is the method to recommend themselves to their patrons. They act consistently in a bad cause. They run well in a mean race. From them we shall learn, how pleasant and profitable a thing it is, to be, for our submissive behavior, well

spoken of at St. James's or St. Stephen's, at Guildhall or the Royal Exchange."

We cannot surely have forgot the accursed designs of a most detestable set of men, to destroy the Liberties of America as with one blow, by the Stamp-Act; nor the noble and successful efforts we then made to divert the impending stroke of ruin aimed at ourselves and our posterity. The Sons of Liberty on the 14th of August 1765, a Day which ought to be for ever remembered in America, animated with a zeal for their country then upon the brink of destruction, and resolved, at once to save her, or like Samson, to perish in the ruins, exerted themselves with such distinguished vigor, as made the house of Dogon to shake from its very foundation; and the hopes of the lords of the Philistines even while their hearts were merry, and when they were anticipating the joy of plundering this continent, were at that very time buried in the pit they had digged. The People shouted; and their shout was heard to the distant end of this Continent. In each Colony they deliberated and resolved, and every Stampman trembled; and swore by his Maker, that he would never execute a commission which he had so infamously received.

We cannot have forgot, that at the very Time when the stamp-act was repealed, another was made in which the Parliament of Great-Britain declared, that they had right and authority to make any laws whatever binding on his Majesty's subjects in America—How far this declaration can be consistent with the freedom of his Majesty's subjects in America, let any one judge who pleases—In consequence of such right

and authority claim'd, the commons of Great Britain very soon fram'd a bill and sent it up to the Lords, wherein they pray'd his Majesty to accept of their grant of such a part as they were then pleas'd, by virtue of the right and authority inherent in them to make, of the property of his Majesty's subjects in America by a duty upon paper, glass, painter's colours and tea. And altho' these duties are in part repeal'd, there remains enough to answer the purpose of administration, which was to fix the precedent. We remember the policy of Mr. Grenville, who would have been content for the present with a pepper corn establish'd as a revenue in America: If therefore we are voluntarily silent while the single duty on tea is continued, or do any act, however innocent, simply considered, which may be construed by the tools of administration, (some of whom appear to be fruitful in invention) as an acquiescence in the measure, we are in extreme hazard; if ever we are so distracted as to consent to it, we are undone.

Nor can we ever forget the indignity and abuse with which America in general, and this province and town in particular, have been treated, by the servants & officers of the crown, for making a manly resistance to the arbitrary measures of administration, in the representations that have been made to the men in power at home, who have always been dispos'd to believe every word as infallible truth. For opposing a threatned Tyranny, we have been not only called, but in effect adjudged Rebels & Traitors to the best of Kings, who has sworn to maintain and defend the Rights and Liberties of his Subjects—We have been

represented as inimical to our fellow subjects in Britain, because we have boldly asserted those Rights and Liberties, wherewith they, as Subjects, are made free. ——When we complain'd of this injurious treatment; when we petition'd, and remonstrated our grievances: What was the Consequence? Still further indignity; and finally a formal invasion of this town by a fleet and army in the memorable year 1768.

Our masters, military and civil, have since that period been frequently chang'd; and possibly some of them, from principles merely political, may of late have look'd down upon us with less sternness in their countenances than a BERNARD or a . . .: But while there has been no essential alteration of measures, no real redress of grievances, we have no reason to think, nay we deceive ourselves if we indulge a thought that their hearts are changed. We cannot entertain such an imagination, while the revenue, or as it is more justly stiled, the TRIBUTE is extorted from us: while our principal fortress, within the environs of the town, remains garrison'd by regular troops, and the harbour is invested by ships of war. The most zealous advocates for the measures of administration, will not pretend to say, that these troops and these ships are sent here to protect America, or to carry into execution any one plan, form'd for the honor or advantage of Great-Britain. It would be some alleviation, if we could be convinced that they were sent here with any other design than to insult us.

How absurd then must the addresses which have been presented to some particular gentlemen, who have made us such friendly visits, appear in the eyes

of men of sense abroad! Or, if any of them have been so far impos'd upon, as to be induc'd to believe that such addresses speak the language of the generality of the people, how ridiculous must the generality of the people appear! On the last supposition, would not a sensible reader of those addresses, upon comparing them with the noble resolutions which this town, this province and this continent have made against SLAVERY, and the just and warm resentment they have constantly shown against EVERY man whatever, who had a mind sordid and base enough, for the sake of lucre, or the preservation of a commission, or from any other consideration, to submit to be made even a remote instrument in bringing and entailing it upon a free and a brave people; upon such a comparison, would he not be ready to conclude, "that we had forgot the reasons which urged us, with unexampled unanimity a few years ago—that our zeal for the public good had worn out, before the homespun cloaths which it had caused us to have made—and, that by our present conduct we condemned our own late successful example!"—Although this is altogether supposition, without any foundation in truth, yet, so our enemies wish it may be in reality, and so they intend it shall be—To prevent it, let us ADHERE TO FIRST PRINCIPLES.

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, September 9, 1771.]

Messieurs EDES & GILL,

PERHAPS there never was a people who discovered themselves more strongly attached to their natural

and constitutional rights and liberties, than the British Colonists on this American Continent—Their united and successful struggles against that slavery with which they were threatened by the stamp-act, will undoubtedly be recorded by future historians to their immortal honor—The assembly of Virginia, which indeed is the most ancient colony, claimed their pre-eminence at that important crisis, by first asserting their rights which were invaded by the act, and by their spirited resolution to ward off the impending stroke: And they were seconded by all the other colonies, with such unanimity and invincible fortitude, that those who, to their eternal disgrace and infamy, had accepted of commissions to oppress them, were made to shudder at the thought of rendering themselves still more odious to all posterity, by executing their commissions, and publickly to abjure their detestable design of raising their fortunes upon the ruin of their country. Under the influence of the wisest administration which has ever appeared since the present reign began: The hateful act was at length repeal'd; to the joy of every friend to the rights of mankind in Britain, and of all America, except the few who either from the prospect of gain by it, or from an inveterate envy which they had before and have ever since discovered, of the general happiness of the people of America, were the promoters if not the original framers of it. This restless faction could not bear to see the Americans restored to the possession of their rights and liberties, and sitting once more in security under their own vines and their own fig trees: Unwearied in their endeavours to introduce an absolute

tyranny into this country, to which they were instigated, some from the principles of ambition or a lust of power, and others from an inordinate love of money which is the root of all evil, and which had before possessed the hearts of those who had undertaken to distribute the stamped papers, they met together in cabal and laid a new plan to render the people of this continent tributary to the mother country—Having finished their part of the plan, their indefatigable Randolph was dispatched to Great-Britain to communicate it to the fraternity there, in order that it might be ripen'd and bro't to perfection : But even before his embarkation, he could not help discovering his own weakness, by giving a broad hint of the design—This parricide pretended that his intention in making a voyage to England at that time, was to settle a private affair of his own ; that he had nothing else in view ; and that having settled that private affair, he should immediately return, and as he express'd it, lay his bones in his native country. Full of the appearance of love for his country, he express'd the greatest solicitude to do the best service he could for it, while in England ; but unluckily drop'd a question, strange and inconsistent as it may appear to the reader, " What do you think, sir, of a small Duty upon divers articles of importation from Great-Britain ?" No sooner had he arriv'd in London, than the news was dispatch'd from the friends of America there, of a design to lay a duty upon paper, glass, painter's colours, and tea imported into America, with the sole purpose of raising a revenue —The lucrative commission which he obtain'd while

in England, in consequence of the passing of the act of parliament, whereby he was appointed one of the principal managers of this very revenue, affords but little room to doubt what his intention was in his voyage to London, notwithstanding his warm professions of concern for his native country—It is not always a security against a man's sacrificing a country, that he was born and educated in it. The Tyrants of Rome were Natives of Rome. Such men indeed incur a guilt of a much deeper dye, than Strangers, who commit no such violation of duty and of feeling. ——— There was another of the cabal who embark'd about the same time, but he was call'd out of this life before he reach'd London, and de mortuis nil dico—Of the living I shall speak, as occasion shall call for it, with a becoming freedom.

The whole continent was justly alarmed at the parliament's resuming the measure of raising a revenue in America without their consent, which had so nearly operated the ruin of the whole British empire but a few months before ; & that this odious measure should be taken, so soon after the happy coalition between Britain and the colonies which the repeal of the stamp-act had occasion'd ; for if one may judge by the most likely appearances, the affections of her colonists, were upon this great event, more strongly attached to the mother country if possible, than ever they had been. But the great men there had been made to believe otherwise—Nay the governor of this province had gone such a length as to assure them, that the design of the Americans in their opposition to the stamp-act, was to bring the authority of parlia-

ment into contempt—Many of his adherents privately wrote to the same purpose—All which had a tendency to break that harmony, which after the only interruption that had ever taken place and that of short continuance, had been renewed, and doubtless would have been confirmed to mutual advantage for ages, had it not been for that pestilent few, who first to aggrandize themselves and their families, interrupted the harmony, and then to preserve their own importance, took every step their malice could invent, with the advantage they had gain'd of a confidence with the ministry, to prevent it's ever being restored.

Upon the fatal news (fatal, I call it, for I very much fear it will prove so in its consequences, how remote I will not take upon me to predict) upon the news of the passing of another revenue act, the colonies immediately took such measures as were dictated to them, not by passion and rude clamour, but by the voice of reason and a just regard to the safety of themselves and their posterity. The assembly of this province, being the first I suppose who had the opportunity of meeting, prepared and forwarded a humble, dutiful & loyal petition to the King ;[1] and wrote letters to such of the British nobility[2] and gentry as had before discovered themselves friends to the rights of America & of mankind, beseeching their interposition and influence on their behalf. At the same time they wrote a circular letter to each of the other colonies,[3] letting them know the steps they had taken and desiring their

[1] Vol. I., page 162.
[2] Vol. I., pages 152, 166, 169, 173, 180.
[3] Vol. I., page 184.

advice & joint assistance—This letter had its different effects; on the one hand, in the deep resentment of my Lord of Hillsborough, who was pleased to call it "a measure of an inflamatory nature—Evidently tending to create unwarrantable combinations, to excite an unjustifiable opposition to the constitutional authority of parliament and to revive unhappy divisions and distractions," &c. While on the other hand, the colonies, as appears by their respective polite answers, receiv'd it with the highest marks of approbation, as a token of sincere affection to them, & a regard to the common safety; and they severally proceeded to take concurrent measures. No one step I believe, united the colonies more than this letter; excepting his lordship's endeavors by his own circular letter to the colonies, to give it a different turn—But however decent and loyal—However warrantable by or rather conformable to the spirit and the written rules of the British constitution, the petitions of right and other applications of the distressed Americans were, they shared the same fate which those of London, Westminster, Middlesex, & other great cities & counties have since met with! No redress of grievances ensued: Not even the least disposition in administration to listen to our petitions; which is not so much to be wondered at, when we consider the temper of the ministry, which was incessantly acted upon by Governor Bernard in such kind of language as this "The authority of the King, the supremacy of parliament, the superiority of government are the real objects of the attack"; while nothing is more certain, than that the house of representatives of this province in their

petition to the king, and in all their letters, that in particular which was address'd to the other colonies, the sentiment of which was recogniz'd by them, expressly declare, "that his Majesty's high court of parliament is the supreme legislative power over the whole empire, in all cases which can consist with the fundamental rights of the constitution," and that "it was never questioned in this province, nor as they conceive in any other." They indeed in all their letters insist upon the right of granting their own money, as a right founded in nature, the exercise of which no man ever relinquished to another & remain'd free—A right therefore which no power on earth, not even the acknowledged supreme legislative power over the whole empire hath any authority to divest them of—"The supreme power says Mr. Locke, is not, nor can possibly be absolutely arbitrary, over the lives and fortunes of the people—The supreme power cannot take from any man any part of his property without his own consent. For the preservation of property being the end of government, and that for which men enter into society; it necessarily supposes and requires that the people should have property, without which they must be supposed to lose that by entering into society, which was the end for which they entered into it. [Men therefore in society having property, they have such a right to the goods which by the law of the community are theirs, that no body hath a right to take their substance or any part of it from them without their consent.] Without this, they have no property at all: For I have truly no property in that, which another can by right take from me when he

pleases, against my consent"—These are the principles upon which alone, the Americans founded their opposition to the late acts of parliament. How then could governor Bernard with any colour of truth declare to a minister of state in general terms, that "the authority of the King, the supremacy of parliament, the superiority of government, were the objects of the attack?" Upon the principles of reason and nature, their opposition is justifiable: For by those acts the property of the Colonists is taken from them without their consent. It is by no means sufficient to console us, that the duty is reduced to the single article of Tea, which by the way is not a fact; but if it should be admitted, it is because the parliament for the present are pleased to demand no more of us: Should we acquiesce in their taking three pence only because they please, we at least tacitly consent that they should have the sovereign controul of our purses; and when they please they will claim an equal right, and perhaps plead a precedent for it, to take a shilling or a pound—At present we have the remedy in our own hands; we can easily avoid paying the TRIBUTE, by abstaining from the use of those articles by which it is extorted from us:—and further, we can look upon our haughty imperious taskmasters, and all those who are sent here to aid and abet them, together with those sons of servility, who from very false notions of politeness, can seek and court opportunities of cringing and fawning at their feet, of whom, thro' favor, there are but few among us: we may look down upon all these, with that sovereign contempt and indignation, with which those who feel their own dignity and freedom,

will for ever view the men, who would attempt to reduce them to the disgraceful state of SLAVERY.

I shall continue to send you an account of facts, as my leisure will admit. In the mean time,

I am yours,

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, September 16, 1771.]

Messieurs EDES & GILL,

I have already mentioned the circular letter written by the house of representatives of this province to the other colonies, dated the 11th of February, 1768; and the *very different* treatment it met with from the Earl of Hillsborough and the respectable bodies to whom it was addressed. And also the circular letter which his lordship himself was pleased to send to those colonies, wherein he recommended to them "to treat it with the contempt it deserved"—But as the sentiments contained in the letter of the house were so exactly similar to those of the other colonies, and the subject of it was of equal importance to them all, it was not in the power of his lordship to efface the impressions it made, or to disturb that harmony which was the happy effect of it—*Vis unita fortior*—That union of the colonies in their common danger, by which they became powerful, was the occasion of the greatest perplexity to their enemies on both sides the atlantick; and it has been ever since their constant endeavor by all manner of arts to destroy it. In this, it must be

confess'd, they have discovered an unanimity, zeal and perseverance, worthy to be imitated by those who are embark'd in the cause of American freedom.—It is by *united* councils, a steady zeal, and a manly fortitude, that this continent must expect to recover its violated rights and liberties.

Such was the resentment which the circular letter enkindled in the breasts of administration, that it was immediately followed by a *Mandate* from lord Hillsborough to governor *Bernard*, to require the succeeding house to *rescind* the resolution which had given birth to it, upon pain of a dissolution of the assembly in case of a refusal.—Governor Bernard added to the severity of this mandate by assuring the house in a message to them, that "if he should be obliged to dissolve the general court, he should not think himself at liberty to call another, till he should receive his Majesty's command for that purpose."—It appeared that administration had been greatly misinformed with regard to the circumstances of this resolution of the house, particularly in a representation that it was brought on when the members present were few, and at the end of the session; and that it was therefore a very unfair proceeding procured by surprize and contrary to the real sense of the house—But the house made it evident in their letter to his lordship afterwards, from their own minutes and journals, that it was the declared sense of a large *majority* when the house was *full*—It was the constant practice of governor Bernard and his adherents, to represent the opposition of the house to the pernicious designs of the enemies of the colonies, which generally consisted of

full three quarters of the members and sometimes more, as the feeble efforts of an expiring faction.

This direct and peremptory requisition, of a new and strange constructure, and so strenuously urg'd by the governor, was taken into consideration by the house, on the next day after it was laid before them; and as is usual in all matters of importance, was then referred to a large committee further to consider it, and report their opinion of what was expedient to be done: As the governor had *assured* the house in his message, that "their resolution thereon would have the most *important consequences* to the province," the committee were the more *deliberate* in their consultations; very reasonably expecting, that after such an *assurance* given to the house, the governor would indulge them with sufficient time thoroughly to digest it. However sanguine the expectation of lord Hillsborough might be, through the artful insinuation of governor Bernard that, the "attempts of a *desperate faction* (as his lordship expressed it) would be discountenanced, and that the execution of the measure recommended would not meet with any difficulty;" the governor himself, who was fully acquainted with the sentiments of the house, as well as of the generality of the people without doors, had no "grounds to hope" that the requisition would be comply'd with; and therefore as a dissolution was to be the immediate consequence of a refusal, and as his lordship had directed the governor to "transmit to him an account of their proceedings to be laid before his Majesty, to the end that his Majesty might, if he tho't proper, lay the whole matter before his parliament," it might have

been well supposed that a longer time was necessary for them to state the reasons of their own conduct, and to set the transactions of the former house, which had been grossly misrepresented, in a true point of light, in order to vindicate themselves, when their whole proceedings should be laid before his Majesty and the parliament.

But before the committee were ready to make their report, the governor sent down a message to the house, signifying that it was full a week since he had laid his Majesty's requisition before them, and that he could not admit of a much longer delay, without considering it as an answer in the negative—Upon which the house, being desirous that the sense of the people concerning this important matter might be known as explicitly as possible, which would also have determined beyond all doubt, *their* sense of the revenue acts, and the opposition made to them by the American assemblies, requested a recess of the general court, that they might have the opportunity of taking the instructions of their constituents. But though his lordship in his letter to the governor, express'd a satisfaction in "that spirit of decency and love of order which has discovered itself in the conduct of the *most considerable* of the inhabitants of the province;" and the governor himself in his speech at the close of the preceeding assembly, insinuated that matters had been conducted by a *party* in the house; and declared that "the evils which threatened this *injured country*, arose from the machinations of a *few, very few* discontented men"—"*false patriots* who were sacrificing their country to the gratification of their own

passions," and that it was "by no means to be charged upon *the generality of the people*," yet he did not think it proper to comply with the request of the house for a recess, that the sentiment of the *generality of* "*this good people*," as he calls them in this same speech, might be taken. Had he not the fairest opportunity upon this motion of the house, if there had been any grounds for his representations that the opposition to the revenue acts was confined to a *few, very few* discontented men, to have made it evident beyond all contradiction? But he dared not rest the matter upon this issue: He knew very well that it would put an end to his darling topic; and that the determination of the generality of the people, would put it out of his power any longer to hold up *an expiring faction* to administration with success—A low piece of cunning, of which he was a perfect master, and which he had constantly practiced to induce them to a perseverance in their measures.

On the 30th June 1768, the committee, having maturely considered the requisition made to the house in its nature and consequences reported a letter to the Earl of Hillsborough[1] his Majesty's secretary of state for the American department, and laid it on the table; wherein they observe to his lordship, that a requisition of such a nature, to a British house of commons had been very unusual and perhaps altogether unprecedented since the revolution: That some very aggravated representations must have been made to his Majesty of the resolution of the former house, to induce him

[1] Vol. I., page 219.

to require this house to rescind it, upon pain of forfeiting their existence—That the people in this province had attended with anxiety to the acts of the British parliament for raising a revenue in America —That this concern was not limited within the circle of a few inconsiderate persons; the most respectable for fortune, rank and station, as well as probity and understanding in the province, with very few exceptions, being alarm'd with apprehensions of the fatal consequences, of a power exercised in any part of the British empire, to command and apply the property of their fellow subjects at discretion: That as all his Majesty's North-American subjects were alike affected by those revenue acts, the former house very justly supposed that each of the assemblies on the continent would take such methods of obtaining redress as should be thought by them respectively to be regular and proper; and being desirous that the several applications should harmonize with each other, they resolved on their circular letter; wherein they only acquainted their sister colonies with the measures *they* had taken, without calling upon them to adopt those measures or any other—That this was perfectly consistent with the constitution; and that, so far from being criminal, or a measure "of an inflammatory nature," it had a natural tendency to compose his majesty's subjects in the colonies, till they should obtain relief; at a time when it seem'd to be the evident design of a party, they might have said a *faction*, to prevent calm, deliberate, rational and constitutional measures being pursued, or to stop the distresses of the people from reaching his Majesty's

ear, and consequently to precipitate them into a state of desperation. They therefore leave it to his lordship's impartial judgment, whether the representations that had been made of this resolution, were not injurious to the house, and an affront to his Majesty himself. And after proceeding to give his lordship a full detail of all the circumstances relating to the resolution which gave birth to the circular letter, and which they were required to rescind, they add, that they rely upon it that to petition his Majesty will not be deemed by him to be inconsistent with the British constitution; that to acquaint their fellow subjects, involved in the same distress, *even if they had invited the union of all America in one joint supplication, would not be discountenanced* by his Majesty as a "measure of an inflammatory nature;" and that "when his lordship shall *in justice* lay a true state of those matters before his Majesty, he will no longer consider them as tending to create unwarrantable combinations, or to excite an unjustifiable opposition to the constitutional authority of parliament." This is the substance of the letter; which being twice read in the house, was accepted by a large majority of *ninety-two* out of one hundred and five members, and ordered to be transmitted by the speaker to his lordship as soon as might be. After which it was immediately mov'd, that the question be put, Whether the house would rescind the resolution of the last house which gave birth to the circular letter; and the question being accordingly put, it pass'd in the negative, there appearing on a division upon the question to be *seventeen* yeas and *ninety-two* nays.

Thus the house determined upon as extraordinary a *mandate* as perhaps was ever laid before a free assembly.—It is to us, said the house in their message to the governor, altogether incomprehensible, that we should be required on the peril of a dissolution of the great and general court or assembly of this province, to rescind a resolution of a former house of representatives, when it is evident that such resolution has no existence, but as a mere historical fact. Your excellency must know, that the resolution referred to, is, to speak in the language of the common law, not now "executory," but to all intents and purposes "executed." The circular letter has been sent and answered by many of the colonies: These answers are now in the public papers; the public will judge of the proposals, purposes and answers. We could as well rescind those letters as the resolves; and both would be equally fruitless, if by rescinding, as the word properly imports, is meant a repeal and nullifying of the resolution referred to. But if, as is most probable, by the word, rescinding, is intended the passing a vote of this house, in direct and express disapprobation of the measure above mentioned, as "illegal, inflammatory and tending to promote unjustifiable combinations" against his Majesty's peace, crown and dignity, we take the liberty to testify and publickly to declare, that it is the native, inherent and indefeasible right of the subject, *jointly or severally*, to petition the King for the redress of grievances.—And we are clearly and very firmly of opinion that the petition of the late dutiful and loyal house, and the other very orderly applications for the

redress of grievances, have had the most desirable tendencies and effects—In another part they say, "we cannot but express our deep concern, that a measure of the late house in all respects so *innocent*, in most so virtuous and laudable, and as we conceive, so truly patriotic, should be represented to administration in the odious light of a party and factious measure," and finally they say, that in refusing to comply with the requisition, "they have been actuated by a conscientious and a clear and determined sense of duty to God, their King, their country, and their latest posterity." This determination of the house gave general satisfaction, not only to the people of this province, but of the other colonies also; as well as the friends of liberty in Britain. It was spoken of by all except the *disappointed few*, with great applause. Indeed the essential rights of all were involved in the question: A different determination would therefore have been to the last degree *infamous* and attended with fatal consequences. Not only the right of the subjects *jointly* to petition for the redress of grievances which all alike suffer, but also that of *communicating their sentiments freely to each other* upon the subject of grievances, and the means of redress, which was the sole purport of the circular letter, would in effect have been given up. I have often thought that in this time of common distress, it would be the wisdom of the colonists, more frequently to correspond with, and to be more attentive to the particular circumstances of each other. It seems of late to have been the *policy* of the enemies of America to point their artillery against one prov-

ince only; and artfully to draw off the attention of the other colonies, and if possible to render that single province odious to them, while it is suffering ministerial vengeance for the sake of the *common cause*. But it is hoped that the colonies will be aware of this artifice. (At this juncture an attempt to subdue one province to despotic power, is justly to be considered as an attempt to enslave the whole. The colonies "form one political body, of which each is a member."—The liberties of the whole are invaded—It is therefore the interest of the whole to support each individual with all their weight and influence.) When the legislative of the colony of New-York was suspended, the house of representatives of this province consider'd it "as alarming to all the colonies;" and bore their testimony against it, in a letter to their agent, the sentiments of which they directed him to make known to his Majesty's ministers.—That suspension, says the patriotic Pennsylvania Farmer, is a parliamentary assertion of the *supreme authority* of the British legislature over these colonies *in point of taxation*; and is intended to COMPEL New-York into a submission to that authority. It seems therefore to me as much a violation of the liberty of the people of that province, and *consequently of all these Colonies*, as if the Parliament had sent a number of regiments (which has since been the fate of this province) to be quartered upon them till they should comply.—Whoever, says he, seriously considers the matter, must perceive, that a dreadful stroke is aimed at the liberty of these Colonies: *For the cause of one is the cause of all.* If the parliament may lawfully

deprive *New-York* of any of its Rights, it may deprive any or all the other Colonies of *their* Rights; and nothing can so much encourage such attempts, as *a mutual inattention to the interests of each other.* To *divide and thus to destroy*, is the first political maxim in attacking those who are powerful by *their union.*—When Mr. Hampden's ship money cause for *three shillings and four pence* was tried, all the people of England, with *anxious expectation, interested themselves* in the important decision: And when the slightest point touching the freedom of *a single Colony* is agitated, I earnestly wish, that all the rest may with *equal ardour* support their sister.—These are the generous sentiments of that celebrated writer, whom several have made feeble attempts to answer, but no one has yet done it.—May the British American Colonies be upon their guard; and take care lest by a mutual inattention to the interest of each other, they at length become supine and careless of the grand cause of American Liberty, and finally fall a prey to the MERCILESS HAND OF TYRANNY.

I am,

Your's,

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, September 23, 1771.]

Messieurs EDES & GILL,

The consequence of the determination of the house of Representatives not to rescind the resolution of the former house, of which I gave you a particular account

in my last, was an immediate prorogation of the general assembly, and the next day a dissolution, agreeable to *the orders of a minister of state!*—Governor Bernard in a subsequent letter to lord Hillsborough, pressed his lordship for further orders respecting the calling a new assembly; and acquainted him that "when the usual time should come, it would be quite necessary that the governor should be able to *vouch positive orders* for his not calling the assembly, if he was not to do it," and he adds that, "with regard to calling the new assembly in May, it would require much consideration." By the Charter of this province, which is a *Compact* between the Crown and the People, it is ordained that a General Assembly shall be called on every last Wednesday in May yearly: Did gov. Bernard then think that his lordship, to whom in one instance at least, he had surrendered the power of the governor of the province, could by another order *rescind* that effectual Right of the Charter? It would in truth require much consideration with one, even of his lordship's peculiar turn of mind, before he would assume an authority to put an end to the constitution of the province: He had gone far enough already.—The Charter further ordains, that the assembly shall be held "at all such other times *as the governor shall think fit.*" Not as lord Hillsborough shall think fit, for he is not the governor. Could the governor think that the people were so stupid as to be satisfied with his *vouching orders* for neglecting that which it was his indispensable duty to do as governor of the province; and by neglecting which, either with or without his lordship's orders, there would be an

end to the supreme legislative power; the establishing of which, as Mr. Locke says, is the first and fundamental positive law of the commonwealth. The general assembly is constituted by the charter, the *legislative* of the province; having full power and authority to make all such orders, laws, statutes, &c. not repugnant to the laws of England, as *they shall judge* to be for the good and welfare of the province. —"The first framers of the government, not being able by any foresight to prefix so just periods of return and duration to the *assemblies of the legislative*, in all times to come, that might exactly answer all the emergencies of the commonweath, the best method that could be found, was to trust this to the prudence of one, *who was always to be present*, and whose business it should be to watch over the commonwealth." Hence the charter provides, that the governor who is to reside in the province, and who, being always present, must be acquainted with the state and exigences of the public affairs, shall have full power and authority to adjourn or dissolve the assembly, and call a new one from time to time as he shall judge necessary: But our governors have of late given up this power *of judging* to a minister of state; residing at a thousand leagues distance, and therefore utterly unable to determine, if it was lawful for him to do it, at what time the necessities of the state might require the immediate exertion of legislative power. This ministerial manoeuvre, to speak in modern language, which threatens the destruction of the constitution, will, it is hoped, be the subject of national enquiry, when the present confusion in Brit-

ain and America shall, as it must soon, be brought to a happy issue. "The legislative is sacred and unalterable in the hands where the community has fixed it." In this province it is fixed by the community, in the hands of the Governor, Council and House of Representatives: In their hands therefore, it ought to rest sacred and unalterable; to be sure as long as the express conditions of the compact are fulfilled.—Lord Stafford, and many lords and great men before him, suffered death for attempting to overthrow the constitution of the state.—Their crime was called, and I supposed justly called, *Treason*: It surely could not have been treason therefore, to have disturbed and resisted them in their mad attempts, even though they might have produced the orders of a king—What punishment awaits those who have manifestly attempted to overthrow the constitution of the American colonies, the time which we hope for, and is hastening on, will determine. If the very being of the legislative of this province is for the future to depend upon the mere *will* and *pleasure* of an arbitrary minister—if *he* may take it upon him to *dictate* such measures as he pleases, and to dissolve them, or which is the same thing, order an *obsequious* governor to do it, upon their non-compliance with his will and pleasure, surely we have little to boast of in such an assembly. The charter may be taken away *in parts* as well as in the whole: And it seems by some *later ministerial mandates* and measures, as if there was a design to deprive us of our Charter-Rights *by degrees*: An attempt upon *the whole* by one stroke would perhaps be thought too bold an undertaking. His

lordship could not indeed have chosen a more effectual step to deprive us of the *whole* benefit of a free constitution, than by attempting to controul the debates and determinations of the House of Representatives, which ought forever to be free, and suspending the legislative power of the province, for their refusing to obey any mandate, especially when it is not only contrary to their judgments and consciences, but, as it appeared to them, absurd. It is a pitiful constitution indeed, which so far from being fixed and permanent as it should be—sacred and unalterable in the hands of those where the community has placed it, depends entirely upon the breath of a minister, or of *any man*: But it is to be feared from this as well as other *more recent* instances, that there is a design to rase the foundations of the constitutions of these colonies, and place them upon this precarious and sandy foundation.—I have seen a letter from the agent of this province to the government here, dated so long ago as March the 7th, 1750; wherein he says, "I am afraid there is at bottom in the minds of some, a fixed design of getting a parliamentary sanction of some kind or other, if possible, to the King's instructions on this occasion;" which was the redressing the inconveniencies proceeding from the paper bills. And in another letter of the 12th of April following, he writes, "Since my last, I have found too great reason to *confirm* my apprehensions, that some persons *of consequence* here, are determined, if possible, to put the future use of the credit of the several governments of New England, wholly under the power of an instruction; and what tendency that may have to *intro-*

duce the King's instructions into the government of the other colonies, in other instances, I need not observe. This design seems to be conducted *with great art.*" The fears of that *watchful* agent, there is reason to apprehend, from the perfect good understanding that now exists between the *ruling men* in the American department, on *both* sides the atlantic, may very soon be far from appearing groundless. Instructions have of late been so frequent, and in *every instance* so punctiliously obeyed, that there is reason to fear, unless greater attention is had to them, they soon will be established *as rules of administration*, not only to governors *as servants of the crown*, but to legislatures. The enforcing them seems to be conducted with equal *art* on this side of the water at present, to that with which the original design of introducing them was conducted on the other side, when that agent wrote. —They may soon therefore be regarded as *fixed laws* in the colonies, even without the sanction or intervention of parliament. *Principiis obsta*, is a maxim worth regarding in politics as well as morals; and it is more especially to be observed, when those who are the most assiduous in their endeavours to alter the civil constitution, are not less so in persuading us to *go to sleep* and *dream* that we are in a state of perfect security.—What benefit is it to us to have a governor residing in the province, invested with certain powers of *judging*, and acting according to *his own* judgment, for the good of the people, if he submit to be made a *man of wire*, & for the sake of *preserving the emolument of* a governor, with the name only, is turned this way or that, as the minister *directs*, without any

judgment of his own? And of what use can a legislative be to us, without the free exercise of the powers of legislation? Liable to be thrown out of existence for not acting in conformity to the will of another? Can there be any material difference between such a legislative and none at all? The *original constitution* of this province, the charter, required the convening of a new general assembly in May: The *public exigencies* might have required it sooner: But governor Bernard was determined in neither of these cases to convene an assembly, if he could but *vouch the positive orders* of the minister, who had no right or legal authority at all to interpose in the matter. "The using of force upon the people without authority, and contrary to the trust reposed in him that does so, is a *state of war* with the people;" This is the judgment of one of the greatest men that ever wrote. "If the executive power, being possessed of the power of the commonwealth, shall make use of that force to hinder the *meeting* and *acting of the legislative*, when the original constitution or the public exigencies shall require it, the people have a right to *reinstate* their *legislative in the exercise of* their power: For having erected a legislative, with an intent they should exercise the power of making laws, either *at certain set times* or *when there is need of it*, if they are hindered by any force from what is so necessary to the society, and wherein the safety and preservation of the people consists, *they have a right to remove it by force.*" From this instance of the dissolution of the assembly of this province, as well as that of the suspension of the *legislative* of New York, for refusing to *execute* an act

of parliament, requiring them to give and grant away their own and their constituents money for the support of a *standing army*, posterity will form a judgment of the temper of the British administration at that time: Whether a different disposition has since prevailed, will appear from the measures they have taken *in general*; and particularly from the answers to the addresses, petitions and remonstrances which we have lately seen. One would have thought that the American legislative assemblies had become too harmless bodies to have been the object of ministerial rage, since the passing of acts of parliament for the sole purpose of raising revenues at the expence of the colonists, without their consent, and for appropriating those revenues as they should think proper. The most essential Rights of American legislation, are those of raising and applying their own monies for the support of their own government, and for their own defence: By the late revenue acts, these rights are in effect superseded; the parliament having already granted, such sums as they please, out of the purses of the colonists, for the same purposes. Thus the shadow of legislation only remains to them: Their importance is at an end. They may indeed, as the Pennsylvania farmer observes, whose works I wish every American would read over again, "They may perhaps be allowed to make laws for yoking of hogs or pounding of stray cattle: Their influence will hardly be permitted to extend so high as the keeping roads in repair; as that business may more properly be executed by those who receive the public cash." Their substantial rights and powers, lord Hillsborough

himself should know, are as really annihilated by these acts, as they would be, if they were deprived of all existence. "Upon what occasion, says that elegant writer, will the crown ever call our assemblies together, when, *the charges of the administration of justice, the support of civil government*, and *the expences of protecting, defending and securing us*, are provided for" by the parliament? "Some few of them may meet of their own accord, by virtue of their several charters: But what will they have to do when they are met? To what shadows will they be reduced? The men, whose deliberations heretofore, had an influence on every matter relating to the liberty and happiness of themselves and their constituents, and whose authority in domestic affairs at least, might well be compared to that of Roman senators, will find their determinations to be of no more consequence than that of constables."—And this will not be the utmost extent of our *misery* and *infamy*.

CANDIDUS.

TO ARTHUR LEE.

[MS., Samuel Adams Papers, Lenox Library; a text, with variations, is in R. H. Lee, *Life of Arthur Lee*, vol. ii., pp. 177–183.]

BOSTON Sept 27 1771

SIR

I am greatly indebted to you for your several Letters of [the 10th and 14th of June].

To let you know that I am far from being inattentive to the favors you have done me I inclose you a Letter I wrote you some time past, but was prevented putting it in the Bag by an Accident. I have since been

confind to my house by Sickness & by a late Excursion into the Country I have fully recoverd my Health.

I take particular Notice of the Reasons you assign for a whole Session of parliam[t] being spent without one offensive Measure to America. You account for our being flatterd that all Designs against the Charter of the Colony are laid aside, in a manner perfectly corresponding with the Sentiments I had preconceivd of it. The opinion you have formd of the ruling men on both sides the Atlantick, is exactly mine and as I have the most unfavorable Idea of the Heads or the Hearts of the present Administration, I cannot hope for much Good from the Services of any man who can submit to be dependent on them.

I was pleasd with the petition & remonstrance of the City of London—but are not the Ministry lost to all Sensibility to the peoples Complaints, & like the Egyptian Tyrant, do they not harden their Hearts against their repeated Demands for a redress of Grievances. Does it not fully appear not only that they neither fear God nor regard Man, but that they are not even to be wearied, as one of their ancient predecessors was, by frequent Applications. What do you conceive to be the Step next to be taken by an abused people? For another must be taken either by the ministry or the people or in my opinion the nation will fall into that ruin of which they seem to me to be now at the very precipice. May God afford them that Prudence, Strength & fortitude by which they may be animated to maintain *their own* Liberties at all Events. By your last letter you appear to resolve

well; if ever the Spirit of impeaching should rise in Britain. But how is it possible such a Spirit should rise. In all former Struggles the House of Commons has naturally taken Sides with the people against oppressing Ministers & Favorites. But whether that is the Case at present or not, is no secret to the World. We have indeed heard little of the Business of impeaching since the Revolution. A corrupt ministerial Influence has been gradually & too insensibly increasing from that Œra, & is at length become so powerful (for which I think the Nation is particularly beholden to Sir R. Walpole) as to render it impracticable to have even one capital Object of the peoples just Vengeance impeachd. The proposals you were so kind as [to] favor me with, I cannot but highly approve of. I communicated them to two or three intimate & judicious friends who equally approvd of them. But they cannot be carried into Execution till the present parliam^{t} is at an End. And if it is not to be dissolvd before the End of its septennial Duration, is it not to be feard that before its Expiration there will be an End of Liberty. If I mistake not there is an Act of parliam^{t} whereby the Seats of placemen and pensioners in the House of Commons (who were not such at the time of their Election) shall be vacated, & their Electors have a right to the Choice of another if they see proper. Perhaps there never was a time when the Advantages of this Law were more apparent. Would it not then be doing the most important Service to the Cause of Liberty if the Gentlemen of the Bill of Rights, who I pray God may be united in their Councils, would exert their

utmost Influence to prevail upon the Constituents of such rotten Members to claim that privilege & make a good Use of it? If there is any Virtue among the people, I should think this might easily be done. If it be impracticable, I fear another general Election w^d only serve to convince all of what many are apprehensive, that there is a total Depravation of principles & manners in the Nation, or in other Words that it is already irrecoverably undone.

We are in a State of perfect Despotism. Our Governm^t is essentially alterd. Instead of having a Gov exercising Authority within the Rules & Circumscription of the Charter which is the Compact between the King & the People, & dependent upon the people for his Support, we have a Man with the Name of a Governor only. He is indeed commissiond by the King, but under the Controul of the Minister, to whose Instructions he yields an unlimitted Obedience, while he is subsisted with the Money of that very people who are thus governd, by virtue of an Assumd Authority of the British Parliament to oblige them to grant him such an annual Stipend as the King shall order. Can you tell me who is Governor of this province? Surely not Hutchinson, for I cannot conceive that he exercises the power of judging vested in him by the Constitution, in one Act of Gov^t which appears to him to be important. The Gov^t is shifted into the Hands of the Earl of Hillsborough whose sole Councellor is the Nettleham Baronet. Upon this Governor aided by the Advice of this Councellor depends the time & place of the Sitting of the legislative Assembly or whether it shall

sit at all. If they are allowd to sit, they are to be dictated by this duumvirate, thro the Instrumentality of a third, & may be thrown out of Existence for failing in one point to conform to their sovereign pleasure, a Legislative to be sure worthy to be boasted of by a free people. If our nominal Governor by all the Arts of perswasion, can prevail upon us to be easy under such a Mode of Government, he will do a singular piece of Service to his Lordship, as it will save him the trouble of geting our Charter vacated by the formal Decision of parliam^{t} & the tedious process of Law.

The Grievances of Britain & the Colonies as you observe spring from the same root of Bitterness & are of the same pernicious Growth. The Union of Britain & the Colonies is therefore by all means to be cultivated. If in every Colony Societies should be formd out of the most respectable Inhabitants, similar to that of the Bill of Rights, who should once in the year meet by their Deputies, and correspond with such a Society in London, would it not effectually promote such an Union? And if conducted with a proper spirit, would it not afford reason for the Enemies of our common Liberty, however great, to tremble. This is a sudden Thought & drops undigested from my pen. It would be an arduous Task for any man to attempt to awaken a sufficient Number in the Colonies to so grand an Undertaking. Nothing however should be despaird of.

If it should ever become a practicable thing to impeach a corrupt Administration I hope the Minister who advisd to the introducing arbitrary power

into America will not be overlookd. Such a Victim I imagine will make a figure equal to Lord Strafford in the Reign of Charles, or de le Pole & others in former times. "The Conduct of the Judges touching Juries" appears to be alarming on both sides of the Water & ought to be strictly enquired into. And are they not establishing the civil Law which Mr Blackstone says is only *permitted* in England to the prejudice of the Common Law, the Consequence of which will prove fatal to the happy Constitution. I observe that one of your proposals is that a Law may be made "subjecting each Candidate to *an Oath* against having used Bribery" to obtain his Election. Would there not be a danger that a Law by which a Candidate may purge himself by his Oath would exclude some other more certain Evidence than the Oath of one who has already prostituted his Conscience for a Seat than his own Declaration of his Innocence even upon Oath? I am of opinion that He who can be so sordid as to gain an Election by Bribery or any other illegal means, must be lost to all such feelings as those of Honor or Conscience or the Obligation of an Oath. With Regard the Grievances of the Americans it must be owned that the Violation of the essential Right of taxing themselves is a Capital one. This Right is founded in Nature. It is unalienable & therefore it belongs to us *exclusively*. The least Infringement on it is Sacrilege. But there are other Methods taken by Lord Hillsbro & punctually put into Execution by Govr Hutchinson, which in my Opinion would give a mortal Stab to our essential Rights, if the Parliament had not by

their declaratory Act claimd Authority to make use of our money to establish a standing army over us & an host of pensioners and placemen civil & ecclesiastical, which are as terrible as an Army of Soldiers. And if the Commons of this province cannot impeach, we have nothing to rely upon but the Interposition of our friends in Britain, or the *ultima Ratio.*

Inclosd you have a Copy of the protests of divers patriotick Clergymen in Virginia against an Episcopate in America. It is part of the plan the design of which is to secure a ministerial Influence in America, which in all Reason is full strong enough without the Aid of the Clergy. The Junction of the Cannon & the feudal Law you know has been fatal to the Liberties of Mankind. The Design of the first Settlers of New England in particular was to settle a plan of govt upon the true principles of Liberty in which the Clergy should have no Authority. It is no Wonder then that we should be alarmd at the Designs of establishing such a power. It is a singular pleasure to us that the Colony of Virginia tho episcopalian should appear against it as you will see by the Vote of thanks of the House of Burgesses to the protesting Gentlemen; they declare their protest to be "a wise & well timed opposition." I wish it could be publishd in London. I had the pleasure of knowing Mr Hewet who was in this Town about two years ago in Company with Mr Eyre of Northhampton County, in Virginia, who is a member of the House of Burgesses. I did not then know that Mr Hewet was a Clergyman.

I fear I have tired your patience & conclude by assuring you that I am in strict Truth

Sir Your friend & humᵉ servᵗ

P.S.—The Bearer hereof is William Story Esqʳ formerly of this Town, but now of Ipswich a Town about 30 Miles East. He was Deputy Register in the Court of Vice Admiraltry before & at the time of the Stamp Act & would then have given up the Place as he declared but his Friends advisd him against it—he sufferd the Resentment of the people on the 26 of August 1765, together with Lᵗ Govʳ Hutchinson & others for which he was recompencd by the Genˡ Assembly, as he declares in part only. He tells me that his Design in going home is to settle an Affair of his own relating to the Admiraltry Court, in which the Commissioners of the Customs as he says declare it is out of their power to do him Justice. One would think it was never in their Power or Inclination to do any man Justice. Mʳ Story has always professd himself a Friend to Liberty for many years past. I tell him that I make no doubt but you will befriend him as far as shall be in your power in obtaining Justice, in which you will very much oblige,

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, September 30, 1771.]

Messieurs Edes & Gill,

A General Assembly, when actuated with a becoming spirit of public liberty against the attacks of arbitrary and despotic ministers, appeared to be as

disgustful to Gov. Bernard, as parliaments were to James the first; with whom it was even an aphorism that the lords and commons were two bad co-partners with a monarch: Having got rid of such a troublesome assembly at least for one year, he was more at leisure, in conjunction with the commissioners of the customs and his other confederates, to attend to the plan which their hearts had been long set upon, of introducing into the province a military power for their aid.—Accordingly every little occurrence, which a man of sense who had no *political designs* in view would not have thought worth his notice such as frequently happen in the most orderly cities, was gathered up with *uncommon industry* and made the subject of representation to the ministry—He even descended so low as to give lord Hillsborough a detail of the diversion of a few boys in the street with a drum, which at no time is unusual in populous places, and pictured it to his lordship, who, it seems gave it its full weight, as a *prelude* to a *designed insurrection*, in which "persons of all kinds, sexes and ages," were to bear their part—The common amusements of children were construed *rebellion*, and his lordship had minute accounts of them sent to him by this busy *journalist*, as grounds upon which he might form *measures of administration*. But *his* letters, together with those of general Gage and commodore Hood, and the memorials, &c. of the commissioners of the customs, have already been sufficiently animadverted upon—"No one, says the town of Boston, in a pamphlet, entitled, *An appeal to the World*,[1] can

[1] See Vol. I., page 396.

read them without being astonished at seeing a person in so important a department as governor Bernard sustained, descending in his letters to a minister of state to such trifling circumstances and such slanderous *chit-chat:* Boasting as he does in one of them of his *over-reaching* those with whom he was transacting publick business; and in order to prejudice the most respectable bodies, meanly *filching* from individuals belonging to those bodies, what had been drop'd in the course of business or debate: Journalizing every idle report bro't to him, and in short acting the part of a *pimp* rather than a *governor.*" Sufficient however were they finally to prevail upon administration, which had before been full ready eno' to employ the military force in England, to order four regiments and part of a fifth, *for the preservation of* the peace in the town of Boston. The only disorders in the town that could give any colouring to measures so severe, and not more severe than unjustifiable by the constitution, happened on the 18th of March and 10th of June, 1768—The first was nothing more than the parading of the lower sort of people thro' the streets at the close of an anniversary festivity; when no injury was offered to any person whatever, no harm was done, nor did even Governor Bernard himself pretend that any was intended. General Gage, in a letter to Lord Hillsborough, mentioned this disorder as "trifling." The other was occasioned by the unprecedented and unlawful manner of seizing a vessel by the collector and comptroller—His Majesty's Council after full enquiry into this disorder and *the cause* of it, declared, that it

"was occasioned by the making a seizure (in a manner unprecedented) in the town of Boston on the 10th of June,[1] a little before sun-set, when a vessel was seized by the officers of the customs; and immediately after, upon a *signal given* by one of said officers, in consequence of a *preconcerted plan*, several armed boats from the Romney man-of-war took possession of her."—The officers who made the seizure were insulted, some of the windows of their dwelling houses were broke, and other disorders were committed—But the council further declared, that it was "highly probable that no such disorders would have been committed if the vessel had not been with an *armed force* and with *many circumstances of insults & threats* carried away from the wharff." They also say, that the disorder "seemed to *spring wholly from the persons who complained of it*," and that it "was probable that an uproar was *hoped for*, and *intended* to be occasioned by the *manner* of proceeding in making the seizure." This representation of the matter was made by those very gentlemen, of whom governor Bernard not above 3 or 4 months before, had given this ample testimony to Lord Hillsborough; that "they had shown great attention to the support of government," and "upon many occasions a resolution and steadiness in promoting his Majesty's service, which would have done honor to his Majesty's appointment, if they had held their places under it:" And to whom he about the same time very warmly returned his thanks, "for their steady, uniform and patriotic conduct, which had

[1] See Vol. I., page 245.

shown them impressed with a full sense of their duty both to their king & their country." A representation of *matters of fact*, made by gentlemen whom governor Bernard had so highly applauded for their attention to the *support of government*, and *resolution and steadiness in promoting his Majesty's service*, must surely meet with full credit with the *friends of government;* and induce a conclusion, even in *their* minds, that if there was a necessity of troops in the town of Boston to keep the peace, it arose not from the "madness of the people," (a decent expression of General Gage) but altogether from the *extravagance* of the servants of the crown; who after a *preconcerted plan*, according to the account given by the council, *hoped for*, and *intended that an uproar should be occasion'd*, by the *manner* of their proceeding *with an armed force*, and *many circumstances of insult and threats* in making a seizure.—This disturbance, after a few hours, wholly subsided, thro' the interposition of the inhabitants of the town, & no great mischief was done; yet the most aggravated accounts were given of it by the *Cabal*, to answer *their own* purposes. The Romney ship of war, had before been ordered by commodore Hood to this place, in consequence of information sent to him of a factious and turbulent spirit among the people. The captain *thought it his duty* to acquaint the commodore of this fresh disturbance; and the Beaver sloop, being then in the harbour, and preparing for her station at Philadelphia, was remanded back to Halifax for that purpose, and with such speed as to be obliged to leave part of her provisions behind—Large packets were sent by

this vessel to the commodore, and others for England, where it was proposed by the cabal she should be immediately dispatched from Halifax. The comptroller of the customs embark'd on board the same sloop *very privately*, by whom letters in abundance were sent to London. In these letters a number of gentlemen, who were called the leaders of the faction, were *proscribed.* Some of the cabal could not conceal their designs; for it was even then given out by them, that troops would probably soon arrive from Halifax, and that two regiments of Irish troops were to be sent to this town; all which accordingly took place in about four months afterwards, being the time in which they might have been expected by orders of the ministry in consequence of these letters. Indeed we have since been made certain by a publication of their own letters, that they had earnestly sollicited the sending of troops about this time. The commissioners of the customs in a letter to the lords of the treasury, acquainted that board "that there had been a *long concerted* and *extensive* plan of resistance to the authority of Great Britain, and that the seizure had hastened the people to the commission of actual violence *sooner than was intended*," and further, "that nothing but *the exertion of military power* would prevent an *open revolt* in this town, which would probably *spread throughout the provinces.*" The collector and comptroller in their letters upon this occasion to the commissioners, which was laid before administration tell *their honors*, "that it *appeared evident* to them that *a plan of insurrection of a very dangerous and extensive nature had long been in*

agitation, & now brought nearly to *a crisis.*" But it is needless to repeat the many *exaggerated* accounts given by the governor and his confederates, of this *occurrence*, which on the part of the people was altogether *unexpected*; and as the Council observed, "*seem'd to have sprang wholly from the persons who complained of it.*"—To crown all, the Commissioners *pretended* that "they had reason to expect further violences," and fled, Bernard says in a letter to lord Hillsborough, "were driven" to Castle William; where they represented to the lords of the treasury that the "protection afforded them by Commodore Hood, viz. the Romney and one or two sloops of war, was the *most seasonable*, as without it they should not have considered themselves (even there) in safety, nor his Majesty's Castle *secured from falling into the hands of the people*," and "that it was impossible for them to set foot in Boston, *until there were two or three regiments in the town, to restore and support government.*"—However true it may be, that the Commissioners had rendered themselves the objects of the publick resentment, which their letters and memorials have had no tendency to abate, they never had been, to use an expression of Gov. Bernard, the objects of popular fury; not the least injury had ever been offer'd to their persons or property. They had landed without opposition, and had lived in the town many months, *if despis'd and hated*, yet unmolested: For this we have the testimony of his Majesty's Council; "They were not, say they, oblig'd to quit the town—it was a voluntary act of their own—there never had been any insult offer'd

them—and when they were at the Castle there was no occasion for men of war to protect them." And even after their *voluntary flight*, they often made excursions upon the main, for the purpose of amusement and recreation, for which, having quitted the *severe exercises* of their employment in the town, they now had sufficient *leisure*: There, they might easily have been insulted if there had been any such disposition in the people. It has long been evident that all this pretended apprehension of danger, and their flight first to the Romney ship of war, and then to the castle for protection, was intended to cooperate with & confirm the letters and memorials sent home, and to facilitate the prosecution of their design. Such were the methods us'd by a restless set of men, to hold up this town and province, to the nation and to the world, in a false and odious light. It was therefore peculiarly incumbent upon all, and those persons especially, who were entrusted by the publick, to be vigilant for it, at a time when they who were seeking its ruin, were remarkably attentive to and active in prosecuting their plans. And can any one say there is reason to think that a minister of the *temper* of Lord H———h, perpetually acted upon by the implacable hatred of Bernard, has yet abandon'd, or is likely to abandon, his *favorite system*, while there is ONE left on this side the water who is ready to put it in execution?—No—The disputes with the court of Spain and the city of London during the late session of parliament, may have prov'd so embarrassing to A———n as to have caus'd a suspension of the execution of it for a while; but to trust that it is there-

fore wholly laid aside, is a degree of credulity and infatuation, which I hope will never be impos'd by *any man* on this country. Great pains we know are taken to perswade and assure us, that as long as we continue quiet, nothing will be done to our prejudice: But let us beware of these *soothing* arts.—Has anything been done for our relief?—Has any one grievance which we have complained of been redressed? On the contrary, are not our just causes of complaint and remonstrance daily increasing, at a time when we were flattered that a change of men would produce a change of measures? Have our petitions for the redress of grievances ever been answered or even listened to? If not, what can be intended by all the *fair promises* made to us by tools and sycophants, but to lull us into that *quietude* and *sleep* by which *slavery* is always preceeded.—While treachery and imposition is the fort of any man, let us remember, *there is always most danger when his professions are warmest.*

CANDIDUS.

TO ARTHUR LEE.

[R. H. Lee, *Life of Arthur Lee*, vol. ii., p. 183.]

BOSTON, Oct. 2d, 1771.

SIR,

I have already written to you by this conveyance, and there mentioned to you Mr. Story, a gentleman to whose care I committed that letter. I have since heard that he has a letter to Lord Hillsborough from Gov. Hutchinson, which may possibly recommend him for some place by way of compensation for his

joint sufferings with the governor. I do not think it possible for any man to receive his lordship's favour, without purchasing it by having done or promising to do some kind of jobs. If Mr. Story should form connexions with administration upon any principles inconsistent with those of a friend to liberty, he will then appear to be a different character from that which I recommended to your friendship. I mention this for your caution, and in confidence; and am with great regard sir, your humble servant,

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, October 7, 1771.]

Messieurs EDES & GILL,

Instead of *voted Aid*,

> "Th' illegal imposition followed harsh
> With *Execration* given, or ruthless *squeez'd*
> From an *insulted* People."
>
> THOMPSON.

I Think it necessary the publick should be inform'd, that his Excellency *Thomas Hutchinson*, Esq; Governor of this Province, has lately receiv'd, a warrant from the Lords of the Treasury in England, for the Sum of Twenty-two Hundred and fifty Pounds Sterling for his Services for one year and a half, being at the rate of Fifteen Hundred Sterling or Two Thousand L. M. per Ann.—The payment is to be made out of the Commissioners Chest; wherein are reposited the Treasures that are daily collected, tho' perhaps insensibly, from the Earnings and Industry of the honest

Yeomen, Merchants and *Tradesmen,* of this continent, against their Consent; and if his friends speak the truth, against *his own private* judgment.—This treasure is to be appropriated according to the act of parliament so justly and loudly complain'd of by Americans, for the support of civil government, the payment of the charges of the administration of justice, and the defence of the colonies: And it may hereafter be made use of, for the support of standing armies and ships of war; episcopates & their numerous ecclesiastical retinue; pensioners, placemen and other jobbers, for an abandon'd and shameless ministry; hirelings, pimps, parasites, panders, prostitutes and whores—His Excellency had repeatedly refused to accept the usual Salary out of the treasury of this province; which leads us to think that his eminent patron the *Earl of Hillsborough,* or his most respected friend *Sir Francis Bernard,* who is ever at his Lordship's elbow, had given him *certain* information that this *honorable* stipend would be allow'd to him—Whether he tho't the generous grant of a *thousand* sterling, annually made to his predecessors, and offer'd to him, by the assembly, not adequate to his important services to the province in supporting and vindicating its charter and constitutional rights and liberties; or whether he was forbid by *instruction* from his Lordship to receive it, which is probable from his own words, "I could not consistent with my duty to the King"; or lastly, and which is still more probable, Whether he was *ambitious* of being, beyond any of his predecessors, a *Governor independent* of the free grants of the assembly, which is no doubt

reconcileable with his Excellency's idea of a *constitutional* governor of a free people, are matters problematical.—*Adulating Priestlings* and others, who have sounded his high praises in the news-papers, and in the church of God, as well as in other *solemn* assemblies, may perhaps *echo* the fallacious reasoning from one of his publick speeches, "The people will not blame (*him*) for being willing to avoid burdening them with his support, by the increase of the tax upon their polls and estates," since it is now "provided for another way." In all ages the *supercilious* part of the clergy have adored the Great Man, and shown a thorough contempt of the understanding of the people. But *the people*, and a great part, I hope, of the clergy of this enlightened country, have understanding enough to know, that a Governor independent of the people for his *support*, as well as his *political Being*, is in fact, a MASTER; and may be, and probably, such is the nature of uncontroulable power, soon will be a TYRANT. It will be recorded by the faithful historian, for the information of posterity, that the first *American Pensioner*—the first *independent Governor* of this province, was, not a stranger, but one "*born and educated*" in it—Not an ANDROSS or a RANDOLPH; but that *cordial friend* to our civil constitution—that *main Pillar* of the Religion and the Learning of this country; the Man, upon whom she has, (I will not say wantonly) heaped all the *Honors* she had to bestow—HUTCHINSON!!—We are told that the Justices of the Superior Court are also to receive fixed salaries out of this American revenue!—"Is it possible to form an idea of *slavery*, more com-

pleat, more miserable, more *disgraceful*, than that of a people, where justice is administer'd, government exercis'd, and a standing army maintain'd, at the expence of the people, and yet without the least dependence upon them? If we can find no relief from this infamous situation"—I repeat it, "*If we can find no relief from this infamous situation*", let the ministry who have stripped us of our property and liberty, deprive us of our understanding too; that unconscious of what we have been or are, and ungoaded by tormenting reflections, we may tamely bow down our necks, with all the stupid serenity of servitude, to any drudgery which our lords & masters may please to command."—I appeal to the common sense of mankind. To what a state of misery and infamy must a people be reduced!) To have a governor by the sole appointment of the crown; under the absolute controul of a weak and arbitrary minister, to whose dictates he is to yield an unlimited obedience, or forfeit his political existence: while he is to be supported at the expence of the people, by virtue of an authority claimed by *strangers*, to oblige them to contribute for him such an annual stipend, however unbounded, as the crown shall be advised to order! If this be not a state of despotism, what is? Could *such* a governor, by all the *arts of persuasion*, prevail upon a people to be quiet and contented under *such* a mode of government, his noble patron might spare himself the trouble of getting their Charter vacated by a formal decision of parliament, or in the tedious process of law—Whenever the relentless enemies of America shall have compleated their system, which

they are still, though more silently pursuing, by subtle arts, deep dissimulation, and manners calculated to deceive, our condition will then be more humiliating and miserable, and perhaps more *inextricable too*, than that of the people of England in the infamous reigns of the Stuarts, which blacken the pages of history; when,

> " Oppression stalk'd at large and pour'd abroad
> Her *unrelenting* Train; *Informers—Spies—*
> Hateful Projectors of *aggrieving* Schemes
> To sell the starving many to the few,
> And drain a thousand Ways th' exhausted Land.
> . . . And on the *venal* Bench
> Instead of Justice, *Party* held the *Scale*,
> And *Violence* the *Sword*."

Your's,

CANDIDUS.

ARTICLE SIGNED " CANDIDUS."

[*Boston Gazette*, October 14, 1771.]

Messieurs EDES & GILL,

> " Ambition saw that stooping Rome could bear
> A MASTER, *nor had Virtue to be free*."

I Believe that no people ever yet groaned under the heavy yoke of slavery, but when they deserv'd it. This may be called a severe censure upon by far the greatest part of the nations in the world who are involv'd in the misery of servitude: But however they may be thought by some to deserve commiseration, the censure is just. *Zuinglius*, one of the first re-

formers, in his friendly admonition to the republic of the Switzers, discourses much of his countrymens throwing off the yoke: He says, that *they who lie under oppression deserve what they suffer, and a great deal more*; and he bids them *perish with their oppressors.* The truth is, All might be free if they valued freedom, and defended it as they ought. Is it possible that millions could be enslaved by a few, which is a notorious fact, if all possessed the independent spirit of *Brutus*, who to his immortal honor, *expelled the proud Tyrant of Rome, and his "royal and rebellious race?"* If therefore a people will not be free; if they have not *virtue* enough to maintain their liberty against a presumptuous invader, they deserve no pity, and are to be treated with contempt and ignominy. Had not *Cæsar* seen that Rome was *ready to stoop*, he would not have dared to make himself the master of that once brave people. He was indeed, as a great writer observes, a *smooth* and *subtle* tyrant, who led them *gently* into slavery; "and on his brow, 'ore daring vice deluding virtue smil'd". By pretending to be the peoples greatest friend, he gain'd the ascendency over them: By beguiling arts, hypocrisy and flattery, which are even more fatal than the sword, he obtain'd that supreme power which his ambitious soul had long thirsted for: The people were finally prevail'd upon to *consent* to their own ruin: By the force of perswasion, or rather by cajoling arts and tricks always made use of by men who have ambitious views, they enacted their *Lex Regia*; whereby *Quod placuit principi legis habuit vigorem*; that is, *the will and pleasure of the Prince had the force of law.*

His minions had taken infinite pains to paint to their imaginations the god-like virtues of Cæsar: They first persuaded them to believe that he was a deity, and then to sacrifice to him those Rights and Liberties which their ancestors had so long maintained, with unexampled bravery, and with blood & treasure. By this act they fixed a precedent fatal to all posterity: The Roman people afterwards, influenced no doubt by this pernicious example, renew'd it to his successors, not at the end of every ten years, but for life. They transfer'd all their right and power to *Charles* the Great: *In eum transtulit omne suum jus et potestatem.* Thus, they voluntarily and ignominiously surrendered their own liberty, and exchanged a *free* constitution for a TYRANNY!

It is not my design at present to form the comparison between the state of this country now, and that of the Roman Empire in those dregs of time; or between the disposition of *Cæsar*, and that of ———: The comparison, I confess, would not in all parts hold good: The Tyrant of Rome, to do him justice, had learning, courage, and great abilities. It behoves us however to awake and advert to the danger we are in. The Tragedy of American Freedom, it is to be feared is nearly compleated: A Tyranny seems to be at the very door. It is to little purpose then to go about cooly to rehearse the gradual steps that have been taken, the means that have been used, and the instruments employed, to encompass the ruin of the public liberty: We know them and we detest them. But what will this avail, if we have not courage and resolution to prevent the completion of their system?

Our enemies would fain have us lie down on the bed of sloth and security, and persuade ourselves that there is *no danger*: They are daily administering the opiate with multiplied arts and delusions; and I am sorry to observe, that the gilded pill is so alluring to some who call themselves the *friends of Liberty*. But is there no danger when the very foundations of our civil constitution tremble?—When an attempt was first made to disturb the corner-stone of the fabrick, we were universally and justly alarmed: And can we be cool spectators, when we see it already removed from its place? With what resentment and indignation did we first receive the intelligence of a design to make us tributary, not to natural enemies, but infinitely more humiliating, to *fellow subjects?* And yet with unparallelled insolence we are told to be *quiet*, when we see that very money which is torn from us by lawless force, made use of still further to oppress us—to feed and pamper a set of infamous wretches, who swarm like the locusts of Egypt; and some of them expect to revel in wealth and riot on the spoils of our country.—Is it a time for us to *sleep* when our free government is essentially changed, and a new one is forming upon a quite different system? A government without the least dependance upon the people: A government under the absolute controul of a minister of state; upon whose sovereign dictates is to depend not only the time when, and the place where, the legislative assembly shall sit, but whether it shall sit at all: And if it is allowed to meet, it shall be liable immediately to be thrown out of existence, if in any one point it fails in obedience to his arbitrary

we are in most danger at present: Let us therefore be aware of it. Let us contemplate our forefathers and posterity; and resolve to maintain the rights bequeath'd to us from the former, for the sake of the latter.—Instead of sitting down satisfied with the efforts we have already made, *which is the wish of our enemies*, the necessity of the times, more than ever, calls for our utmost circumspection, deliberation, fortitude and perseverance. Let us remember, that "if we suffer tamely a lawless attack upon our liberty, we encourage it, and involve others in our doom." It is a very serious consideration, which should deeply impress our minds, that *millions yet unborn may be the miserable sharers in the event.*

CANDIDUS.

ARTICLE SIGNED "VALERIUS POPLICOLA."[1]

[*Boston Gazette*, October 28, 1771; the text is also in W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 427–432.]

Messieurs EDES & GILL,

THE writer of the history of Massachusetts Bay tells us, that "our ancestors apprehended the acts of trade to be an invasion of the rights, liberties and properties of the subjects of his Majesty in the colony, they not being represented in parliament; and according to the usual sayings of the learned in the law, the laws of England were bounded within the four seas, and did not reach America. However, they made provision by an act of the colony, that they, i. e. the

[1] Attributed to Adams by Wells and by Bancroft, and also by the annotations of the Dorr file of the *Gazette*.

acts of trade should be strictly attended from time to time"—The passing of this law of the colony, and thus making it an act of their own legislature, he says, "plainly shows the wrong sense they had of the relation they stood in to England"—And he further adds, that "tho' their posterity have as high notions of English Liberties as they had, yet they are sensible that they are Colonists, and therefore subject to the controul of the parent state." As I am not disposed to yield an implicit assent to any authority whatever, I should have been glad if this historian, since he thought proper to pronounce upon so important a matter, had shown us what was the political relation our ancestors stood in to England, and how far, if at all, their posterity are subject to the controul of the parent state.—If he had vouchsafed to have done this, when he published his history, he would have rendered the greatest service both to Great-Britain and America, and eased the minds of multitudes who have been unsatisfied in points of such interesting importance.

Mr. Locke, in his treatise on government discovers the weakness of this position, That every man is born a subject to his Prince, and therefore is under the perpetual tie of subjection and allegiance; and he shows that express consent alone, makes any one a member of any commonwealth. He holds that submission to the laws of any country, & living quietly & enjoying privileges & protection under them, does not make a man a member of that society, or a perpetual subject of that commonwealth, any more than it would make a man subject to another, in whose family he found it

convenient to abide for some time, tho' while he continued under it, he were obliged to comply with the laws, and submit to the government he found there. Every man was born naturally free; nothing can make a man a subject of any commonwealth, but his actually entering into it by positive engagement, and express promise & compact.

If the sentiments of this great man are well grounded, our historian before he asserted so peremptorily that the ancestors of this country as colonists were subject to the controul of the parent state, should have first made it appear that by positive engagement, or express promise or contract, they had thus bound themselves.

Every man being born free, says another distinguished writer, the son of a citizen, arrived at the years of discretion, may examine whether it be convenient for him to join in the society for which he was destined by birth. If he finds that it will be no advantage for him to remain in it, he is at liberty to leave it, preserving as much as his new engagements will allow him, the love and gratitude he owes it.[1] He further says, "There are cases in which a citizen has an absolute right to renounce his country, and abandon it for ever"; which is widely different from the sentiment of the historian, that "allegiance is not local, but perpetual and unalienable": And among other cases in which a citizen has this absolute right, he mentions that, when the sovereign, or the greater part of the nation will permit the exercise of only one religion in the state; which was the case when our

[1] Mr. Vattel, law of nature and nations.

ancestors forsook their native country. They were denied the rights of conscience. They left it however with the consent of the nation: It is allowed by this historian that they departed the kingdom with the leave of their prince. They removed at their own expence and not the nation's, into a country claimed and possessed by independent princes, whose right to the lordship and dominion thereof has been acknowledged by English kings; and they fairly purchased the lands of the rightful owners, and settled them at their own and not the nation's expence. It is incumbent then upon this historian to show, by what rule of equity or right, unless they expressly consented to it, they became subject to the controul of the parent state.—The obligation they had been under to submit to the government of the nation, by virtue of their enjoyment of lands which were under its jurisdiction, according to Mr. Locke, began and ended with the enjoyment. *That* was but a tacit consent to the government; and when by donation, sale or otherwise, they quitted the possession of those lands, they were at liberty, unless it can be made to appear they were otherwise bound by positive engagement or express contract, to incorporate into any other commonwealth, or begin a new one in vacuis locis, in any part of the world they could find free and unpossessed.—They entered into a compact, it is true, with the king of England, and upon certain conditions become his voluntary subjects, not his slaves. But did they enter into an express promise to be subject to the controul of the parent state? What is there to show that they were any way bound to obey the acts of the British

parliament, but those very acts themselves? Is there any thing but the mere ipse dixit of an historian, who for ought any one can tell, design'd to make a sacrifice to the ruling powers of Great-Britain, to show that the parent state might exercise the least controul over them as Colonists, any more than the English parliament could exercise controul over the dominions which the Kings formerly held in France, or than it can now over the inhabitants of the moon, if there be any?

By the charter of this province, the legislative power is in the Governor, who is appointed by the King, the Council and House of Representatives. The legislative of any commonwealth must be the supreme power. But if any edict or instruction of any body else, in what form soever conceiv'd, or by what power soever backed, can have the force and obligation of a law in the province which has not its sanction from that legislative, it cannot be the supreme power. Its laws however salutary, are liable at any time to be abrogated at the pleasure of a superior power. No body can have a power to make laws over a free people, but by their own consent, and by authority receiv'd from them: It follows then, either that the people of this province have consented & given authority to the parent state to make laws over them, or that she has no such authority. No one I believe will pretend that the parent state receives any authority from the people of this province to make laws for them, or that they have ever consented she should. If the people of this province are a part of the body politick of Great Britain, they have as such a right to be

consulted in the making of all acts of the British parliament of what nature soever. If they are a separate body politick, and are free, they have a right equal to that of the people of Great Britain to make laws for themselves, and are no more than they, subject to the controul of any legislature but their own. "The lawful power of making laws to command whole politick societies of men, belongs so properly unto the same intire societies, that for any prince or potentate of what kind soever upon earth to exercise the same of himself, and not by express commission immediately and personally receiv'd from God, or else from authority deriv'd at the first from their consent, upon whose persons they impose laws, is no better than mere tyranny. Laws therefore they are not which publick approbation hath not made so.[1] This was the reason given by our ancestors why they should not be bound by the acts of parliament, because not being represented in parliament, the publick approbation of the province had not made them laws. And this is the reason why their posterity do not hold themselves rightly oblig'd to submit to the revenue acts now in being, because they never consented to them. The former, under their circumstances, thought it prudent to adopt the acts of trade, by passing a law of their own, and thus formally consenting that they should be observ'd. But the latter I presume will never think it expedient to copy after their example.

The historian tells his readers that "They (the people of this province) humbly hope for all that tenderness and indulgence from a British parliament, which

[1] Hooker's Eccl. Pol.

the Roman senate, while Rome remain'd free, shewed to Roman colonies"—Why the conduct of Rome towards her colonies should be recommended as an example to our parent state, rather than that of Greece, is difficult to conjecture, unless it was because as has been observed, the latter was more generous and a better mother to her colonies than the former. Be that as it may, the colonists have a right to expect from the parent state all possible tenderness; not only as they sprang from her, and are subjects of the same King, but as they have greatly contributed to her wealth & grandeur: And we are willing to render to her respect and certain expressions of honor and reverence as the Grecian colonies did to the city from whence they deriv'd their origin, as Grotius says, *so long as the colonies were well treated.* By our compact with our King, wherein is contain'd the rule of his government and the measure of our submission, we have all the liberties and immunities of Englishmen, to all intents, purposes and constructions whatever; and no King of Great-Britain, were he inclin'd, could have a right either with or without his parliament, to deprive us of those liberties—They are originally from God and nature, recognized in the Charter, and entail'd to us and our posterity: It is our duty therefore to contend for them whenever attempts are made to violate them.

He also says that "the people of Ireland were under the same mistake" with our ancestors; that is, in thinking themselves exempt from the controul of English acts of parliament. But nothing drops from his pen to shew that this was a mistake, excepting

that "particular persons in Ireland did pennance for advancing and adhering to those principles." The same mighty force of reasoning is used to prove that this colony was mistaken, viz. "They suffer'd the loss of the charter." Such arguments may serve to evince the power of the parent state, but neither its wisdom nor justice appears from them. The sense of the nation however was very different after the revolution. The House of Commons voted the judgment against the Charter a Grievance; and a bill was brought in and passed that house for restoring the Charters, among which that of this province was expresly mentioned; notwithstanding the *mistake* abovemention'd was one great article of charge against it. But the parliament was proroug'd sooner than was expected, by reason of the King's going to Ireland.

Our historian tells his readers by way of consolation, that "it may serve as some excuse for our ancestors, but they were not alone in their mistaken apprehensions of the nature of their subjection"; and he appears to be mighty glad that "so sensible a gentleman as Mr. Molineux, the friend of Mr. Locke, engag'd in the cause". But we want no excuse for any *supposed* mistakes of our ancestors. Let us first see it prov'd that they were mistakes. 'Till then we must hold ourselves obliged to them for sentiments transmitted to us so worthy of their character, and so important to our security: And we shall esteem the arguments of so sensible, and it might justly be added, so learned a gentleman as Mr. Molineux, especially as they had the approbation of his friend Mr. Locke to

be valid, while we see nothing to oppose them, but the unsupported opinion of Mr. Hutchinson.

VALERIUS POPLICOLA.

TO ARTHUR LEE.

[MS., Samuel Adams Papers, Lenox Library; a text with variations is in R. H. Lee, *Life of Arthur Lee*, vol. ii., pp. 184–187.]

BOSTON Octob 31 1771.

Sir

I Inclose a printed Copy of a Resolve of the Council of this province, whereby Junius Americanus is censurd for asserting that the late Secretary Oliver stood recorded in the Councils Books as a perjurd traitor. You may easily suppose that the Friends of America for whom that Writer has been & is a firm & able Advocate, resent this Conduct of the Council whose Ingratitude to say nothing of the Injustice of this proceeding is the more extraordinary as Junius Americanus has taken so much pains to vindicate that very Body against the malignant Aspersions of Bernard & others. There was however only Eight of twenty six Councellors present when they were prevaild upon by an *artful* man to pass this Resolve. You will see by the inclosd some remarks upon the former proceedings of the Council, or rather a recital of parts of them, by which I think it appears that the Assertion could not be groundless nor malicious; nor can it be false if their own publication is true. I can conceive that the Design of the first mover of this Resolve was to injure the Credit of all the Writings of Junius Americanus, which I believe he very

sensibly feels, & also to make it appear to the World that the Council, as they had before said of the House, had departed from & disavowd the Sentiments of former Assemblys; and that this Change has been effected by the Influence of Mr. Hutchinson. With Regard to the Council, it is hardly possible for any one at a distance to ascertain their political Sentiments from what they see of their determinations publishd here in general, for it has been the practice of the Governor to summon a general Council at the Time when the Assembly is sitting & of Course the whole Number of Councillors is present—but in their Capacity of Advisers to the Governor they are adjournd from week to week during the Session of the Assembly & till it is over when the Country Gentlemen Members of Council return home. Thus the general Council being kept alive by Adjournments, the principal & most important part of the Business of their executive department is done by seven or eight who live in & about the Town, & if the Governor can manage a Majority of so small a Number, Matters will be conducted according to his mind. I believe I may safely affirm that by far the greater Number of civil officers have been appointed at these adjournments; so that it is much the same as if they were appointed solely by our ostensible Governor or rather by his Master, the Minister for the time being. You will not then be surprisd if I tell you that among the five Judges of our Superior Court of Justice, there are the following near Connections with the first & second in Station in the province. Mr Lynde is Chiefe Justice; his Daughter is married to the Son of

Mr Oliver, the Lt Govr; Mr Oliver another of the Judges is his Brother; his Son married Gov Hutchinsons Daughter; & Judge Hutchinson lately appointed, who is also Judge of the probate of Wills for the first County, an important department, is the Govrs brother. Besides which the young Mr Oliver is a Justice of the Common pleas for the County of Essex. Mr Cotton a Brother in Law of the Govr is deputy Secretary of the province & Register in the probate office under Mr Hutchinson; a cousin german of the Govr was sent for out of another province to fill up the place of Clerk to the Common pleas in this County; & the eldest Son of the Govr will probably soon be appointed a Justice of the same Court in the room of his Uncle advancd to the superior bench. I should have first mentiond that the Gov & the Lt Govr are Brothers by Marriage.

The House of Representatives, notwithstanding the Advantages which a new Governor always has in his hands I have reason to think will be so firm as at least not to give up any Right. The Body of the people are uneasy at the large Strides that are made & making towards an absolute Tyranny—many are alarmd but are of different Sentiments with regard to the next step to be taken—some indeed think that every Step has been taken but one & the ultima Ratio would require prudence unanimity and fortitude. The Conspirators against our Liberties are employing all their Influence to divide the people, partly by intimidating them for which purpose a fleet of Ships lies within gun Shot of the Town & the Capital Fort within three miles of it is garrisond by the

Kings Troops, and partly by Arts & Intrigue; by flattering those who are pleasd with Flattery; forming Connections with them, introducing Levity Luxury & Indolence & assuring them that if they are quiet the Ministry will alter their Measures. I fear some of the Southern Colonies are taken with this Bait, for we see hardly anything in their publick papers but Advertisements of the Baubles of Britain for sale. This is the general Appearance of things here while the people are anxiously waiting for some happy Event from your side the Water—for my own part I confess I have no great Expectations from thence, & have long been of Opinion that America herself under God must finally work out her own Salvation.

I have been told by a friend that a Manuscript has been sent from hence upon the Subject of the Tryals of Preston & the Soldiers, for your perusal entitled a Hue & Cry &c. Had I seen & thought it answerable to what I have heard of it, I should have endeavord to have had it publishd here. I wish it had been or still might be publishd in London if you have seen it & think it worth while, subject entirely to your Correction and Amendment. But after all what will the best & most animating publications signify, if the many are willing to submit & be enslavd by the few.

I wrote you about a fortnight past by Capt. Hood[1] & can add nothing more at present but that I am sincerely

your friend & h^{bl} serv^{t}

[1] See above, page 230.

TO JOSEPH ALLEN.

[MS., Samuel Adams Papers, Lenox Library; a text is in W. V. Wells, *Life of Samuel Adams*, vol. i., pp. 342, 343.]

Nov 7 1771

DEAR KINSMAN

As you are just now setting out on the Journey of Life, give me leave to express to you my ardent Wish that you may meet with all that prosperity which shall be consistent with your *real* happiness. I cannot but think you have a good prospect; yet your path will in all probability be uneven: Sometimes you must expect like all other Travellers, to meet with Difficulties on the Road; let me therefore recommend to you the Advice of one of the Ancients, a Man of sterling Sense, tho a Heathen. "Œquam memento Rebus in *arduis*, servare mentem." In the busy Scenes of Life, you may now and then be disposd to drive on hard, & make rather too much haste to be rich; you will then be upon your Guard against Temptations which if yielded to, will poison the Streams of all future Comfort: You will then in a more particular manner, impress upon your mind the advice of an *inspired* writer, to "maintain a Conscience void of offence." I do not flatter you when I say, you have hitherto supported a good reputation: You will still preserve it unsullied; remembering that a good name is your Life.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, November 11, 1771.]

Messieurs EDES & GILL,

WE read that "*Jeroboam the Son of Nebat made Israel to sin*": For this he "stands recorded" and

repeatedly stigmatiz'd, in the sacred volumn, as a "perjur'd Traitor," and a Rebel against GOD and *his Country*. However mysterious fawning priests and flatterers may affect to think it, Kings and Governors may be guilty of treason and rebellion: And they have in general in all ages and countries been more frequently guilty of it, than their subjects. Nay, what has been commonly called rebellion in the people, has often been nothing else but a manly & glorious struggle in opposition to the lawless power of rebellious Kings and Princes; who being elevated above the rest of mankind, and paid by them only to be their *protectors*, have been taught by *enthusiasts* to believe they were authoriz'd by GOD to *enslave* and *butcher* them! It is not uncommon for men, by their own inattention and folly, to suffer those things which an *all-gracious* providence design'd for their good, to become the greatest evils. If we look into the present state of the world, I believe this will hold good with regard to civil government in general: And the history of past ages will inform us, that even those civil institutions which have been best calculated for the safety and happiness of the people, have sooner or later degenerated into settled tyranny; which can no more be called civil government, and is in fact upon some accounts a state much more to be deprecated than anarchy itself. It may be said of each, that it is a *state of war*: And it is beyond measure astonishing that free people can see the miseries of such a state approaching to them with *large* and *hasty strides*, and suffer themselves to be deluded by the artful insinuations of a *man in power*, and his indefatigable sychophants, into a full

perswasion that their liberties are in no danger. May we not be allow'd to adopt the language of scripture, and apply it upon so important a consideration; that seeing, men will see and not perceive, and hearing, they will hear and not understand?

Jeroboam must needs have been a very wicked Governor: And he discover'd so much of the malignancy of *treason against his people*, in making them to sin against the supreme Being upon whose power and protection the welfare of nations as well as individuals so manifestly depends, and by whose goodness *that* people in particular were so greatly oblig'd, that one would have thought, they would upon a retrospect of their folly, in being thus seduc'd, have testified to future generations their just resentment and indignation, by at least dethroning so impious a traitor. Perhaps they relented when they consider'd that their Governor was "born and educated among them": But this heightened his wickedness; as it might have convinc'd them, that he was as destitute of the common feelings of love for one's native country, as he was of religion and piety. This, and many other instances of later date may serve to show, that the people have no solid reason to depend upon *every* man that he will be a *good* Governor, merely because of his having had his *birth* and *education* among them; as well as the folly and wickedness of priests and minions, who would from such a circumstance endeavor to *dupe* the people into a perswasion of their security under any man's administration. —The sin which the people of Israel were prevail'd upon by *Jeroboam the son of Nebat* to commit, re-

spected their religious worship on a *Thanksgiving day*: He had ordained a solemn *festival* to be kept at *Bethel*; in which, it seems, he had a particular view to serve a *political* purpose: And *the people knew it*, although he had *artfully* endeavored to colour it with a plausible appearance. At this festival, through his *influence*, they *sacrificed unto Calves*! This was the dire effect of their foolish *adulation* of their Governor, while they professed to observe a day set apart in honor to the *King of kings*.—Their *thanksgiving* began with *prophaness* & ended in *idolatry*; or rather it began & ended with *both*. There is no question but the priests were the *vicegerents* of the Governor, or his *heralds to publish his impious proclamations to the people*. But is it not strange that the people were so king-ridden and priest-ridden, especially in matters which concern'd their Religion, as to look upon the *joint authority* of their *Governor* and *Clergy*, sufficient to justify them in sinning against the authority of God himself: and in acting in open violation of his law, revealed to them from Heaven with signs and miracles at Mount Sinai, and register'd in their book of the law, as well as engrav'd on the tables of their hearts!—It is no unusual thing for people to *complement* their Governors with the sacrifice of their *consciences*, after they have *surrender'd* to them *their* civil liberty, which had been the folly of that people long before; for they grew weary of their liberty in the days of *Samuel* the prophet, and exchanged that civil government which the *wisdom of heaven* had prescribed to them, for an absolute despotic monarchy; that they might in that regard

be like the nations round about them.—Even in these enlightened times, the people in some parts of the world are so bewitched by the enchantments of *priest-craft* and *king-craft*, as to believe that tho' they sin against their own consciences, in compliance with the instruction of the one, or in obedience to the command of the other, they shall never suffer, but shall be rewarded in the world to come, for being so *implicitly* subject to the higher powers: And the experience of the world tells us that there are, and always have been *various ways* of rewarding them for it in *this* world. On the contrary, if they hesitate to declare a *blind* belief in the most palpable absurdities in government and religion, they are sure to fall into the immediate hands of *spiritual inquisitors*, to be whipped and tortured into an acknowledgment of the error, or threatened with the further pains of eternal damnation if they persist in their contumacy.

Thanks be to GOD, there is not yet so formidable a junction of the secular and ecclesiastical powers in this country; and there is reason to hope there are but *few* of the clergy who would desire it. Yet such is the deplorable condition we are in, and so notorious is it to all, that should *any man*, be he who he may, tell me that our civil liberties were *continued*, or that our religious privileges were not *in danger*, I should detest him, if in his senses, as a *perfidious* man. And if any clergyman should in compliance with the humours or designs of a *man in power*, echo such a *false* declaration in *the church of* GOD, he would in my opinion do well seriously to consider, whether an excessive *complaisance* may not have

betrayed him into the sin of *Ananias* and *Saphira*, in *lying against the Holy Ghost!* This is a most weighty consideration: But the times require *plain dealing*. We hope and believe, nay we know that there are more than seven thousand who will never bow the knee to Baal, or servilely submit to Tyranny, temporal or spiritual: But are we not fallen into an age when *some* even of the Clergy think it no shame to *flatter the Idol*; and thereby to lay the people, as in the days of *Jeroboam, the son of Nebat*, under a temptation to commit great wickedness, and sin against God? Let us beware of the poison of flattery—If the people are tainted with this folly, *they will never have* VIRTUE *enough to demand a restoration of their liberties in the very face of a* TYRANT, *if the necessity of the times should call for so noble an exertion. And how soon there may be such* NECESSITY, GOD *only knows. May* HE *grant them* FORTITUDE *as well as* SOUND PRUDENCE *in the day of* TRIAL! He who can flatter a *despot*, or be flattered by him, without feeling the remonstrances of his own mind against it, may be remarkable for the guise and appearance of *sanctity*, but he has very little if any true religion—If he habitually allows himself in it, without *any remorse*, he is a hardened impenitent sinner against GOD and his COUNTRY. Whatever his *profession* may be, he is not fit to be trusted; and when once discover'd, he will never be trusted by any but fools and children. To *complement* a great man to the injury of *truth* and *liberty*, may be in the opinion of a very degenerate age, the part of a *polite* and *well-bred* gentleman—Wise men however will

denominate him a *Traitor* or a *Fool*. But how much more aggravated must be the folly and madness of those, who instead of worshipping GOD in the solemn assembly, "in spirit and in truth," can utter a lie TO HIM!!—in order to render themselves acceptable to a man *who is a worm* or to the son of a man *who is a worm*.

CANDIDUS.

TO ARTHUR LEE.

[MS., Samuel Adams Papers, Lenox Library; a text with variations is in R. H. Lee, *Life of Arthur Lee*, vol. ii., pp. 187–189.]

BOSTON Novr 13 1771.

MY DEAR SIR,—

Several Vessells have lately arrivd from London, but I have not had the pleasure of a Line from you by either of them. Since the Resolve of Council, by which Junius Americanus was so severely censurd, there has been a proclamation issued by the Governor with their Advice, for a general Thanksgiving which has been the practice of the Country at this time of the year from its first Settlement. The *pious* proclamation has given the greatest offence to the people in general, as it appears evidently to be calculated to serve the purpose of the British Administration, rather than that of Religion. We were the last year called upon to thank the Almighty for the Blessings of the Administration of Government, in this Province, which many lookd upon as an impious Farce. Now we are demurely exhorted to render our hearty & humble Thanks to the same omniscient Being for the Continuance of our civil & religious

Privileges & the Enlargement of our Trade. This I imagine was contrivd to try the feelings of the people; and if the Governor could dupe the Clergy as he had the Council, & they the people, so that the proclamation should be read as usual in our Churches, he would have nothing to do but acquaint Lord Hillsborough that most certainly the people in General acquiescd in the measures of Government, since they had appealed even to God himself that notwithstanding the faction & turbulence of a party, their Liberties were continued & their Trade enlargd. I am at a loss to say whether this measure was more insolent to the people or affrontive to the Majesty of Heaven, neither of whom however a modern Politician regards, if at all, so much as the Smiles of his noble Patron. But the people saw thro it in general, & openly declared that they would not hear the proclamation read. The Consequence was, that it was read in but two of all our Churches in this Town consisting of twelve besides three Episcopalian Churches; there indeed it has not been customary ever to read them. Of those two Clergymen who read it, one of them being a Stranger in the province, & having been settled but about Six Weeks, performd the servile task a week before the usual Time when the people were not aware of it, they were however much disgusted at it. The Minister of the other is a known Flatterer of the Governor & is the very person who formd the fulsome Address of which I wrote you some time ago—he was deserted by a great number of his Auditory in the midst of his reading. Thus every Art is practisd & every Tool employd to *make it appear* as if this

people were easy in their Chains, & that this great revolution is brought about by the inimitable Address of Mr Hutchinson. There is one part of the proclamation which I think deserves Notice on your side the Water, & that relates to the Accommodation with the Spaniards in the Affair of Faulkland Island. This must have been referrd to under the Terms of the preservation of the peace of Europe. From what I wrote you last you cannot wonder if the Governor carrys any thing he pleases in his *Divan* here. His last Manoevre has exposd him more than any thing. Ne lude cum sacris is a proverb. Should he once lose the Reputation which his friends have with the utmost pains been building for him among the Clergy for these thirty years past, as a *consummate Saint*, he must fall like Samson when his Locks were cut off. The people are determind to keep their Day of Festivity but not for all the purposes of the infamous proclamation. I beg you would omit no Opportunity of writing to me & be assured that I am in a Stile too much out of fashion

Your Friend

ARTICLE SIGNED "COTTON MATHER."[1]

[*Boston Gazette*, November 25, 1771.]

MESSIEURS EDES & GILL,

MUCIUS SCAEVOLA, a writer whom I very much admire, tells us, "A Massachusetts Governor the King *by Compact* may *nominate* and *appoint*, but *not pay*: For

[1] Attributed to Adams in the Dorr file of the *Gazette*.

his support he must stipulate with the people, & until he does, he is no legal Governor; without this, if he undertakes to rule he is a USURPER."—These sentiments have given great disgust to the Governor & Council, and the publisher, it is said, is to be prosecuted: But if he has spoken the words of *truth* and *soberness*, why should he be *punished?* Is there any man in the community that can procure harm in a process of law, to him who speaks *necessary* and *important* truths? If there be such a man, mark him for a *Tyrant.* Is there any man whose publick conduct will not bear the scrutiny of truth? he is a Traitor, and it is high time he was pointed out.

I have upon this occasion looked into the Charter of the province in which the COMPACT between the King and the people is contain'd, and I find not a single word about the King's *paying* his Governor. If therefore the Charter is altogether silent about it, *Mucius* is certainly to be justified in saying that *by the compact* the King may not *pay* him; that is, there is nothing in the Charter to warrant it. But it is asked, whether the King may not pay his Governor notwithstanding? And ought it not to be looked upon as a mark of royal bounty and goodness, thus to save the people from being "burdened by a tax upon their polls and estates for a Governor's support?" This is the *Court* language; and great pains have been taken by some gentlemen, whose particular business it is to *ride through the several counties*, to spread it in every part of the province. But it has a tendency to *mislead* and ensnare. It no doubt sounds very agreeably in the ears of an unwary man, that by

this *ministerial* manoeuvre, the province have a saving of a thousand pounds sterling every year, for the support of a Governor. Let us consider the matter a little. Did not our ancestors, when they accepted this Charter, understand that they had contracted for a *free* government? And did not the King on his part *intend* that it should be so? Was it not understood, that by this contract every power of government was to be under a check adequate to the importance of it, without which, according to the best reasoners on government, and the experience of mankind in all ages of the world, that power must be a *tyranny?* Undoubtedly it was the sense of both parties in the contract, that the government to be erected by the Charter, should be a *free* government, and that *every* power of it should be properly *controuled* in order to constitute it so. I would then ask, what weight remains in the scale of the *democratick* part of the constitution to check the *monarchick* in the hands of the governor, if the king has not only an uncontroulable power to nominate and appoint a governor, but may pay him too? If any one will point out to me a *sufficient* weight to balance the scale, I will differ from *Mucius:* But until that is done, I must be of his mind, that the king has *no right* to pay his governor: "For that, he must stipulate with the people;" otherwise our civil constitution is rendered *materially different* from what the contracting parties intended it should be, viz. a free constitution. It places the governor in such a state of independency as must make any man *formidable.*—It puts it in his power in *many* instances to act the *tyrant*, even

under the appearance of all the *forms* of the constitution. The man who is possessed of a power to act the tyrant when he thinks proper, let him become possessed of it as he may, is at least an USURPER of power that *cannot* belong to him in any free state—Power is intoxicating: There have been few men, if any, who when possessed of an *unrestrained* power, have not made a very bad use of it—They have generally exercised *such* a power to the terror both of the good and the evil, and of the good more than the evil—While a governor is possessed of a power without any other check than that which the constitution has provided, upon a supposition that the king by charter may *pay* him as well as *appoint* him, for aught I can see, under *such* an administration as the *present*, I mean in England, he may make the people slaves as soon as he pleases and keep them so as long as he pleases. I have heard it asked, What! may not the king make a present to his governor of fifteen hundred sterling every year, if he sees fit? Is not his MAJESTY allowed to be upon a footing with even a private subject? This reasoning is very plausible, but I think not just. In some respects the king is *more* restrained than the lowest of his subjects. He may not for instance, turn a Roman Catholic, or marry one of that religion and hold his crown: He forfeits it by law if he does. And why? Because it has been found that the Roman Catholic principles are *inconsistent* with the *principles* of the British constitution, which is the rule of his government. And there is the same reason why the governor who is appointed by the crown, should stipulate with the people for his

support, if that mutual check among the several powers of government, which is essential to every free constitution, is otherwise destroyed.—If the king's paying or making yearly presents to his governor, renders him a different being in the state from that which the Charter intends he shall be, and that to the prejudice of the people, the king by the compact may not pay him, for in such a case, it would be inconsistent with the *principles* of our constitution—No king can have a right to put it in the power of his governor to become a tyrant, or govern arbitrarily; for he cannot be a tyrant or govern arbitrarily himself.

I beg leave to make a supposition; If his Holiness the Pope, for the sake of once more having a Catholic King seated on the British throne, should make him a present yearly of eight hundred thousand pounds sterling, for the support of himself and his household, it would be a great saving indeed to the nation; but would the people, think you, consent to it because of that saving? Should we not hear the faithful Commons objecting to it as an innovation big with danger to the rights and liberties of the nation? I believe it would be in vain to flatter them that their constituents would be eas'd of a burden of a tax upon their polls and estates, by means which would render their king thus independent *of them*, and place him in a state of absolute dependance, for his support, upon another, who had especially for a long course of years, tried every art and machination to overthrow their constitution in church and state—Would not the people justly think there would be danger that such a king thus dependent on the pope, and oblig'd

by him, would be as subservient to the admonitions of his Holiness, or his Legate in his name, as a certain provincial governor, *we know*, has been to the instructions of a minister of state, upon the *bare prospect* of his being made independent of the people for his support.

COTTON MATHER.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, December 2, 1771.]

Messieurs EDES & GILL,

No methods are yet left untried by the writers on the side of the ministry, to perswade this People that the best way to get rid of our Grievances is to submit to them. This was the artifice of Governor *Bernard*, and it is urg'd with as much zeal as ever, under the administration of Governor *Hutchinson*. They would fain have us endure the loss of as many of our Rights and Liberties as an abandon'd ministry shall see fit to wrest from us, without the least murmur: But when they find, that they cannot silence our complaints, & sooth us into security they then tell us, that "much may be done for the publick interest by way of humble & dutiful representation, pointing out the hardships of certain measures"—This is the language of *Chronus* in the last Massachusetts Gazette. But have we not already petition'd the King for the Redress of our Grievances and the Restoration of our Liberties?—have not the House of Representatives done it in the most dutiful

terms imaginable?—Was it not many months before that Petition was suffer'd to reach the royal hand?—And after it was laid before his Majesty, was he not advis'd by his ministers to measures still more grevious and severe? Have any *lenient* measures been the consequence of our humble representations of "the hardship of certain measures," which were set forth by the house of assembly in the most decent and respectful letters to persons of high rank in the administration of government at home? Did not the deputies of most of the towns and districts in this province met in Convention in the year 1768, when Bernard had in a very extraordinary manner dissolv'd the General Assembly?—Did they not, I say, in the most humble terms, petition the Throne for the Redress of the intolerable grievances we then labor'd under?—Has not the Town of Boston most submissively represented "the hardship of certain measures" to their most *gracious* Sovereign, and petition'd for Right and Relief?—Was not petitioning and humbly supplicating, the method constantly propos'd by those very persons whom Chronus after the manner of his brethren, stiles "pretended patriots", and constantly adopted till it was apparent that our petitions and representations were treated with neglect and contempt?—Till we found that even our petitioning was looked upon as *factious*, and the effects of it were the heaping Grievance upon Grievance?—Have not the people of this province, after all their humble supplications, been *falsly* charg'd with being "in a state of disobedience to all law and government?" And in

consequence of petitioning, has not the capital been filled with soldiers to quiet their murmurs with *the bayonet*; & to murder, assassinate & plunder with *impunity*?—Have we not borne for these seven years past such *indignity* as no free people ever suffer'd before, and with no other tokens of resentment on our part, than pointing out our hardships, and appealing to the common sense of mankind, after we had in vain petition'd our most *gracious* Sovereign?—And now we are even insulted by those who have bro't on us all these difficulties, for uttering our just complaints in a publick Newspaper! Pointing out the hardships of our sufferings, and calling upon the impartial world to judge between us and our oppressors, and protesting before God and man against innovations big with ruin to the public *Liberty*, is call'd by this writer, "a stubborn opposition to public *authority*," and "a high hand opposition and repugnancy to *government*." For God's sake, what are we to expect from petitioning? Have we any prospect in the way of humble and dutiful representation? Let us advert to the nation of which this writer says we are a part. Are not they suffering the same grievances, under the same administration? Have not they repeatedly petitioned and remonstrated to the throne, and "pointed out the hardships of certain measures," to the King himself? And has not his Majesty been advised by his ministers, to treat them as *imaginary* grievances only? And yet after all, against *repeated facts*, and *common experience* to the contrary, we are told, that "much might be done for the public interest, by way of

humble and dutiful representation!" If there were even *now*, any hopes that the King would hear us, while his present counsellors are near him, I should be by all means for petitioning again; but every man of common observation will judge for himself of the *prospect.*

I am not of this writers opinion that the claims of our sister colonies, New-Hampshire and Rhode-Island, were so very *reasonable*, when disputes arose about the dividing lines; nor do I believe any of his *disinterested* readers will think his bare *ipse dixit*, however *peremptory*, a sufficient evidence of it.—It seems in the estimation of *Chronus* and his *few* confederates, all are "intemperate patriots", who will not yield the public rights to *every* demand, however unjust it may appear.—Thus a whole General Assembly is branded by this writer, with the character of "wrong-headed politicians", for not *surrendering* a part of the territory of this province to New-Hampshire and Rhode-Island, *because they demanded it.* It is no uncommon thing for those who are resolved to carry a *favorite* point, when they cannot *reason* with their opponents, to *rail* at them.—I shall not take upon me at present to say, whether the claims of those governments were right or wrong; but if the governor of the province, & a majority of the two houses, whom *Chronus* does not scruple to call "*pretended* patriots", then judged them to be *wrong*, their conduct in contending for the interest of the province, affords sufficient evidence, that they were *real* patriots. ——— These instances are bro't by *Chronus* to show the wisdom "of scorning the influence, and

rejecting the rash and injudicious clamour of pretended patriots, and wrong-headed politicians," in the present assembly; who by their "indecent treatment of his Majesty's governor, are pressing him to comply with measures contrary to his instructions": But if his Majesty's *governor's* instructions are repugnant to the Rights and Liberties of his Majesty's *subjects* of this province, and those who are elected by the people to be the guardians of their rights and liberties, are really of that mind; especially if they also think that *such* instructions are design'd to have the force of laws; is it reasonable or *decent* for Chronus, tho' he may think differently, to call them mere pretended patriots, which conveys the idea of false-hearted men, for protesting against such instructions, as dangerous innovations, threatning the "very being of government", as constituted by the Charter?—Chronus and his brethren would do well to consider, that "a high handed opposition and repugnance, ('tis a wonder he did not in the style of his friend Bernard, call it 'oppugnation') to government" is as dangerous when level'd at the representative body of the people, as at "his *Majesty's Governor*": An attack upon the constitution especially in that *silent* manner in which it has of late been attacked, is more dangerous than either.—He says that those "wretched politicians", "have made the Governor's subsistence to depend upon his compliance with measures contrary to his instructions." If this had been true, it would have been treating the Governor in a manner in which the British parliaments, *when free*, have treated their *sovereign*: *No supplies till*

grievances are redressed, has been the language of those "*wrong headed politicians*", the British house of commons in former, and *better* times, than these—If the commons of this province have at any time withheld *their* grant for the support of a governor, till he should comply with measures contrary to his instructions, they looking upon those instructions, as they have been, in fact, repugnant to the very spirit of the charter, and subversive of the liberty of their constituents, who can blame them? They are in my opinion highly to be commended, for making use of a power vested in them, or rather reserv'd by the constitution, & *originally intended* to check the wanton career of *imperious* governors—A power, in the *due* exercise of which, even KINGS, their *masters*, have sometimes been brought to their senses, when *they had any*. But *Chronus* cannot show an instance of this conduct in the house of representatives for many years past, I dare say. It must therefore be a mistake in him to suppose that this conduct of "our *intemperate* patriots", has "occasion'd his Majesty to render him more independent, by taking the payment of his governor upon himself." I make no doubt but some *other* motive occasion'd the minister to advise an *independent governor* in this province, which will in all probability take place in every colony throughout America.—The motive is too *obvious* to need mentioning—If Chronus will make it appear that a governor's being made independent of the people, is not repugnant to the principles of the charter of this province, or any *free* government, he will do more than I at present think he or any other

can—Till this is done, it is in vain to flatter a *sensible people* with the prospect of enjoying "peace, happiness or any other blessing they have reason to desire," and *right to expect* from good government, while the measure is persisted in.

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, December 9, 1771.]

MESSIEURS EDES & GILL,

"Whene'er from putrid Courts *foul Vapours* rose,
. . . with vigorous *wholesome* Gales
The Winds of OPPOSITION fiercely blew,
Which *purg'd* and *clear'd* the agitated State"

IF the liberties of America are ever compleatly ruined, of which in my opinion there is now the utmost danger, it will in all probability be the consequence of a mistaken notion of *prudence*, which leads men to acquiesce in measures of the most destructive tendency for the sake of present ease. When designs are form'd to rase the very foundation of a free government, those few who are to erect their grandeur and fortunes upon the general ruin, will employ every art to sooth the devoted people into a state of indolence, inattention and security, which is forever the fore-runner of slavery—They are alarmed at nothing so much, as attempts to awaken the people to *jealousy* and *watchfulness*; and it has been an old game played over and over again, to hold up the men who would rouse their fellow citizens and countrymen to a sense

of their *real* danger, and spirit them to the most zealous activity in the use of all proper means for the preservation of the public liberty, as "*pretended patriots*," "*intemperate politicians*," *rash, hot-headed* men, *Incendiaries*, wretched *desperadoes*, who, as was said of the best of men, would turn the world upside down, or have done it already.—But he must have a small share of *fortitude* indeed, who is put out of countenance by hard speeches without sense and meaning, or affrighted from the path of duty by the rude language of Billingsgate—For my own part, I smile contemptuously at such unmanly efforts: I would be glad to hear the *reasoning* of *Chronus*, if he has a capacity for it; but I disregard his *railing* as I would the barking of a "*Cur dog*".

The dispassionate and rational Pennsylvania Farmer has told us, that "a perpetual *jealousy* respecting liberty, is absolutely requisite in all free states." The unhappy experience of the world has frequently manifested the truth of his observation. For want of this *jealousy*, the liberties of *Spain* were destroyed by what is called a vote of credit; that is, a confidence placed in the King to raise money upon extraordinary emergencies, in the intervals of parliament. *France* afterwards fell into the same snare; and *England* itself was in great danger of it, in the reign of *Charles* the second; when a bill was brought into the house of commons to enable the King to raise what money he pleased upon *extraordinary* occasions, as the dutch war was pretended to be—And the scheme would doubtless have succeeded to the ruin of the national liberty, had it not been for the

watchfulness of the "*intemperate patriots*", and "*wrong-headed politicians*" even of that day.

How much better is the state of the American colonies soon likely to be, than that of France and Spain; or than Britain would have been in, if the Bill before mention'd had pass'd into an act? Does it make any real difference whether one man has the sovereign disposal of the peoples purses, or five hundred? Is it not as certain that the British parliament have assumed to themselves the power of raising what money they please in the colonies upon all occasions, as it is, that the Kings of France and Spain exercise the same power over their subjects upon emergencies? Those Kings by the way, being the sole judges when emergencies happen, they generally create them as often as they want money. And what security have the colonies that the British parliament will not do the same? It is dangerous to be *silent*, as the ministerial writers would have us to be, while such a claim is held up; but much more to submit to it. Your very *silence*, my countrymen, may be construed a submission, and those who would perswade you to be quiet, intend to give it that turn. Will it be likely then that your enemies, who have exerted every nerve to *establish* a revenue, rais'd by virtue of a suppos'd inherent right in the British parliament without your consent, will recede from the favorite plan, when they *imagine* it to be compleated by your *submission*? Or if they should repeal the obnoxious act, upon the terms of your submitting to the right, is it not to be apprehended that your own submission will be brought forth as a precedent in a future time, when your

watchful adversary shall have succeeded, and laid the most of you fast asleep in the bed of security and insensibility. Believe me, should the British parliament, which claims a right to tax you at discretion, ever be guided by a wicked and corrupt administration, and how near they are approaching to it, I will leave you to judge; you will then find one revenue act succeeding another, till the fatal influence shall extend to your own parliaments. *Bribes* and *pensions* will be as frequent here, as they are in the unhappy kingdom of *Ireland*, and you and your posterity will be made, by means of *your own* money, as subservient to the will of a British ministry, or an obsequious Governor, as the vassals of France are to that of their grand monarch. What will prevent this misery and infamy, but your being finally oblig'd to have recourse to the *ultima ratio*! But is it probable that you will ever make any manly efforts to recover your liberty, after you have been inur'd, without any remorse, to contemplate yourselves as slaves? Custom, says the Farmer, gradually reconciles us to objects even of *dread* and *detestation*. It reigns in nothing more arbitrarily than in publick Affairs. When an act injurious to freedom has once been done, and *the people bear it*, the repetition of it is more likely to meet with *submission*. For as the mischief of the one was found to be tolerable, they will hope that the second will prove so too; and they will not regard the *infamy* of the last, because they are *stain'd* with that of the first.

The beloved Patriot further observes, "In mixed governments, the very *texture* of their constitution demands a *perpetual jealousy*; for the cautions with

which power is distributed among the several orders, imply, that *each* has that share which is proper for the general welfare, and therefore that *any further* imposition must be *pernicious*". The government of this province, like that of Great Britain, of which it is said to be an epitome, is a *mixed* government. It's constitution is *delicately* framed; and I believe all must acknowledge, that the power vested in the crown is full as great as is consistent with the *general welfare.* The King, by the charter, has the nomination and appointment of the governor: But no mention being therein made of his right to take the payment of his governor upon himself, it is fairly concluded that the people have reserv'd that right to themselves, and the governor must stipulate with them for his support. That this was the sense of the *contracting* parties, appears from practice *contemporary* with the date of the charter itself, which is the best exposition of it; and the same practice has been continued *uninterruptedly* to the present time— But the King now orders his support out of the American revenue: *Chronus* himself, acknowledges that he is thereby "render'd more independent of the people."—Consequently the balance of power if it was before even is by this means disadjusted. Here then is *another* great occasion of *jealousy* in the people. No reasonable man will deny that an undue proportion of power added to the *monarchical* part of the constitution, is as dangerous, as the same undue proportion would be, if added to the *democratical.* Should the people refuse to allow the governor the due exercise of the powers that are vested in him by

the Charter, I dare say they would soon be told, and very justly, of "the mischief that would be the consequence of it." And is there not the same reason why the people may and ought to speak *freely* & LOUDLY of the mischief which would be the consequence of his being rendered more independent of them; or which is in reality the same thing, his becoming possessed of more power than the charter vests him with? For the annihilating a constitutional check, in the people, which is necessary to prevent the Governor's exercise of exorbitant power, is in effect to enable him to exercise that exorbitant power, when he pleases, without controul. A Governor *legally* appointed may *usurp* powers which do not belong to him: And it is ten to one but he will, if the people are not *jealous* and *vigilant*. Charles the first was legally appointed king: The doctrines advanced by the clergy in his father's infamous reign, led them both to believe that they were the LORD'S *anointed*, and were not accountable for their conduct to the people.—It is strange that kings seated on the English throne, should imbibe such opinions: But it is possible they were totally unacquainted with the history of their *English* predecessors.—Charles, by hearkening to the council of his evil ministers, which coincided with the principles of his education, and his natural temper, and confiding in his corrupt judges, became an *usurper* of powers which he had no right to; and *exercising* those powers, he became a *Tyrant*: But the end proved fatal to him, and afforded a solemn lesson for all succeeding usurpers and tyrants: His subjects

who made him king, called him to account, *dismiss'd* and PUNISH'D him in a most exemplary manner! Charles was obstinate in his temper, and thought of nothing so little as concessions of any kind: If he had been well advis'd, he would have renounced his *usurped* powers: Every wise governor will relinquish a power which is not *clearly constitutional*, however inconsiderable those about him may perswade him to think it; especially, *if the people regard it as a* PART OF A SYSTEM OF OPPRESSION, and AN EVIDENCE OF TYRANNICAL DESIGNS. And the more *tenacious* he is of it, the stronger is the reason why "the SPIRIT OF APPREHENSION" should be kept up among them in its *utmost* VIGILANCE.

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, December 16, 1771.]

Messieurs EDES & GILL,

I Profess to be more generous than to make *severe* remarks upon the *apparent* absurdities that run through the whole of *Chronus's* performance in the last Massachusetts-Gazette. He tells us that "he seldom *examines* political *struggles* that make their weekly appearance in the papers". If by this mode of expression he means to inform us, that he seldom reads the papers with impartiality and attention, as every one ought, who designs to make his own observations on them, I can easily believe him; for it is evident in the piece now before me, that thro' a want

of such impartiality or due attention, to the *political struggles* which he *examines*, he mistakes one writer for another, and finds fault with *Candidus* for not vindicating what had been advanc'd by *Mutius Scaevola*. I am no party man, unless a firm attachment to the cause of Liberty and Truth will denominate one such: And if this be the judgment of those who have *taken upon themselves* the character of *Friends to the Government*, I am content to be in *their* sense of the word a party man, and will glory in it as long as I shall retain that small portion of understanding which GOD has been pleas'd to bless me with. If at any time I venture to lay my *own* opinions before the public, which is the undoubted right of every one, I expect they will be treated, if worth *any* notice, with freedom and candor: But I do not think myself liable to be called to account by *Chronus*, or any one else, for not answering the objections they are pleased to make to what is offered by *another* man, and not by me. Whatever may be the opinion of Mr. *Hutchinson*, as a Usurper or a Tyrant or not, or as Governor or no Governor, if *Chronus* had fairly "examined the political struggles" which have appeared in the papers, he must have known that I had not published my sentiments about the matter; I shall do it however, as soon as I think proper.—I would not willingly suppose that *Chronus artfully* intended to *amuse* his readers, and "mislead them to believe", that his address to the publick of the 28th of November, was particularly applicable to *me*, as having *advanced* the doctrine which has given so much disgust to some gentlemen, and from whence he draws such

a long string of terrible consequences. Whether the denying the governor's authority be right or wrong, or whether upon *Mutius's* hypothesis it be vindicable or not, it is a "*maxim*," (to use his own word) upon which it no more concerned me to pass my judgment than it did any other man in the community. Had *Chronus* then a right to press me into this "political struggle," or to *demand* my opinion of what he had so *sagely* observed upon a subject which I had never engag'd in? Yes, by all means; says he, "I pointed out some of the mischiefs that would inevitably follow *upon denying the Governor's authority*, if that *maxim* should be generally received"; and adds, "what now has Candidus *reply'd* to all this? Why truly nothing, but—*altum silentium*" in English, a *profound silence*; that is in the words of an honest *Teague* on another occasion "he *answered and said nothing*"—But notwithstanding the *deep silence* that I preserv'd when I made my answer, it seems that "I *assured* him that the way of peaceable, dutiful and legal representations of our grievances had already been tried to no purpose": With the most profound Taciturnity I "was pleas'd *most largely to expatiate* upon this point", & with all my "*altum silentium*" my "*interrogations* follow'd one another with such amazing *rapidity*, that he (poor man) was almost out of breath in *repeating* them."—Here, gentle reader, is presented to you a group of ideas in the chaste, the elegant style of CHRONUS, which required much more skill in the English language than I am a master of, to reduce to the level of *common sense.* Thus I have given you a short specimen of the taste

of *Chronus*, who is said to be the *top hand* on the side of the ministry: For want of leisure I must omit taking notice of his "*method of reasoning*" till another time.

CANDIDUS.

MEMORANDUM.

[MS., Samuel Adams Papers, Lenox Library.]

Decbr 18 1771.

This day I waited on Mr Harrison Gray junr to acquaint him that I had been informd that he had told John Hancock Esqr that he heard me say in a threatning manner that Mr Hancock might think as he pleasd, Mr Otis had friends & his (Mr Hancocks) treatment of Mr Otis would prejudice his (Mr Hancocks) Election. Mr Gray declard to me that he did not hear me mention a Word of Mr Hancocks Election—that a conversation happend between Mr John Cotton & my self (Mr Gray being present) relative to Mr Otis—that Mr Cotton said Mr Otis' Conduct must be the Effect of Distraction or Drunkeness — that I said I did not think so— but that it rather proceeded from Irritation—that he (Mr Gray) said if Mr Otis is distracted why should Mr Hancock pursue him—& that I answerd that Mr Hancock might be stirred up by others to do it, but I thought he had better not or it was a pity he should. This Mr Gray declared was all that I said relative to Mr Hancock, in answer to his Question as is before mentiond & that it did not appear to him that I discoverd the least Unfriendliness towards Mr Hancock. He further said he was willing

to give his oath to the truth of this his declaration. Upon which I told Mr Gray that it was far from my Intention to make Mr Hancock displeasd with him, that I was satisfied that Mr Hancock understood him differently & I should let Mr Hancock know what he now said, & asked him to repeat it which he did precisely as before—& told me he was freely willing that I should repeat it to Mr Hancock that if Mr Hancock & myself desired it he would thus explain it in presense of us both.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, December 23, 1771.]

Messieurs EDES & GILL,

The writer in the Massachusetts Gazette, who signs Chronus, in his address to the publick, recommended petitioning and humbly representing the hardship of certain measures; and yet before he finished his first paper, he pointed out to us the unhappy effects in former times of the very method he had prescribed. Those "intemperate patriots" it seems, the majority of both houses of the general assembly, not hearkning to the cool advice of the *few wise men* within and without doors, must needs make their humble representations to the King and Council upon the claims of New-Hampshire and Rhode-Island: And what was the consequence? Why, he says the province lost ten times the value of the land in dispute. Did Chronus mean by this and such like instances, to enforce the measure which he had recom-

mended? They certainly afford a poor encouragement for us to persevere in the way of petitioning and humble representation. But perhaps he will say, the General Assembly had at that time no reason to complain of the incroachment of these sister colonies; their claims were just; and the *discerning few* who were in that mind were in the right. Just so he says is the case now. For he tells us that "no one has attempted to infringe the peoples rights." Upon what principle then would he have us petition? It is possible, for I would fain understand him, that what Candidus and others call an *invasion of our rights*, he may choose to denominate a *Grievance*; for if we suffer no Grievance, he can certainly have no reason to advise us to represent the hardship of certain measures. And I am the rather inclin'd to think, that this is his particular humour, because I find that the stamp-act, which almost every one looked upon as a most *violent infraction* of our natural and constitutional rights, is called by this writer a *Grievance*. And he is so singular as to enquire, "What *Liberties* we are now deprived of," altho' an act of parliament is still in being, and daily executed, very similar to the stamp-act, and form'd for the very *same purpose*, viz. the raising and establishing a revenue in the colonies by virtue of a suppos'd inherent right in the British parliament, where the colonies cannot be represented, and therefore without their consent. The exercise of such a power Chronus would have us consider as a *Grievance* indeed, but not by any means a deprivation of our rights and liberties, or even so much as the least *infringement* of them. Mr. Locke has often been

quoted in the present dispute between Britain and her colonies, and very much to our purpose. His reasoning is so forcible, that no one has even attempted to confute it. He holds that "the preservation of property is the end of government, and that for which men enter into society. It therefore necessarily supposes and requires that the people should have property, without which they must be suppos'd to lose that by entering into society, which was the *end* for which they enter'd into it; too gross an absurdity for any man to own. Men therefore *in society having property*, they have such a right to the goods, which by the law of the community are theirs, that no body hath the right to take *any part* of their subsistence from them without their consent: Without this, they could have no property at all. For I truly can have no property in that which another can by right take from me when he pleases, against my consent. Hence, says he, it is a mistake to think that the supreme power of any commonwealth can dispose of the estates of the subjects arbitrarily, or *take any part of them* at pleasure. The prince or senate can never have a power to take to themselves the whole or any part of the subjects property without *their own* consent; for this would be in effect to have *no property* at all."—This is the reasoning of that great and good man. And is not our own case exactly described by him? Hath not the British parliament made an act to take *a part* of our property against our *consent*? Against our repeated submissive petitions and humble representations of the hardship of it? Is not the act daily executed in every colony? If therefore the

preservation of property is the very *end* of government, we are depriv'd of that for which government itself is instituted.—Tis true, says Mr. Locke, "Government cannot be supported without great charge; and tis fit that every one who enjoys a share in the protection should pay his proportion for the maintenance of it. But still it must be with their own *consent*, given by themselves or their representatives." Chronus will not say that the monies that are every day paid at the custom-houses in America for the express purpose of maintaining all or any of the Governors therein, were rais'd with the *consent* of those who pay them, given by themselves or their representatives—"If any one, adds Mr. Locke, shall *claim* a power to lay and levy taxes on the people by his own authority & without such *consent* of the people, he thereby *subverts the end of government.*"—Will Chronus tell us that the British parliament doth not *claim* authority to lay and levy such taxes, and doth not actually lay and levy them on the colonies without their *consent?* This is the case particularly in this province. If therefore it is a *subversion of the end of government*, it must be a subversion of our civil liberty, which is supported by civil government only. And this I think a sufficient answer to a strange question which Chronus thinks it "not improper for our zealous Patriots to answer, viz. What those liberties and rights are of which we have been deprived.—If Chronus is really as ignorant as he pretends to be, of the present state of the colonies, their universal and just complaints of the most violent infractions of their liberties, and their repeated petitions

to the throne upon that account, I hope I shall be excused in taking up any room in your valuable paper, with a view of answering a question, which to him must be of the utmost importance.—But if he is not, I think his question not only impertinent, but a gross affront to the understanding of the public. We have lost the *constitutional right* which the Commons of America in their several Assemblies have ever before possessed, of giving and granting *their own money*, *as much* of it as they please, and *no more*; and appropriating it for the support of their *own government*, for *their own* defence, and such other purposes as *they please*.——The great Mr. Pitt, in his speech in parliament in favor of the repeal of the stamp-act, declared that "we should have been *slaves* if we had not enjoy'd this right." This is the sentiment of that patriotic member, and it is obvious to the common sense of every man.—If the parliament have a right to take as much of our money as *they please*, they may take *all*. And what liberty can that man have, the produce of whose daily labour *another* has the right to take from him if he pleases, and which is similar to our case, takes *a part* of it to convince him that he has the *power* as well as the pretence of right?—That sage of the law Lord Camden declar'd, in his speech upon the declaratory bill, that "his searches had more and more convinced him that the British parliament have no right to tax the Americans. Nor, said he, "is the doctrine new: It is as old as the *constitution*: Indeed, it is its *support*." The taking away this right must then be in the opinion of that great lawyer, the removal of the very *support* of the constitution, upon

which all our civil liberties depend. He speaks in still stronger terms—"Taxation and representation are inseparably united: This position is founded on the laws of *nature*: It is more: *It is itself an eternal law of nature*—Whatever is a man's own is absolutely his own; and no man has a right to take it from him without his consent, either express'd by himself or his representative—Whoever attempts to do it, attempts an *injury*: Whoever does it, commits a ROBBERY: *He throws down the distinction between liberty and slavery*"—Can Chronus say, that the Americans ever *consented* either by themselves or their representatives, that the British parliament should tax them? That they have taxed us we all know: We all *feel* it: I wish we felt it more *sensibly*: They have therefore, according to the sentiments of the last mention'd Nobleman, which are built on nature and common reason, thrown down the very distinction between liberty and slavery in America—And yet this writer, like one just awoke from a long dream, or, as I cannot help thinking there are good grounds to suspect, with a design to "mislead his unwary readers (and unwary they must needs be, if they are thus misled,) to believe that all our liberties are perfectly secure, he calls upon us to show "which of our liberties we are deprived of;" and in the face of a whole continent, as well as of the best men in Europe, he has the effrontery to assert, without the least shadow of argument, that "no one has attempted to infringe them." One cannot after all this, be at a loss to conceive, what judgment to form of his modesty, his understanding or sincerity.

It might be easy to show that there are other instances in which we are deprived of our liberties.—I should think, a people would hardly be perswaded to believe that they were in the full enjoyment of their liberties, while their capital fortress is garrison'd by troops over which they have no controul, and under the direction of an administration in whom, to say the least, they have no reason to place the smallest confidence that they shall be employ'd for their protection, and not as they have been for their destruction —While they have a governor absolutely independent of them for his support, which support as well as his *political being* depends upon that same administration, tho' at the expence of their own money taken from them against their *consent*—While their governor acts not according to the dictates of his own judgment, assisted by the *constitutional advice* of his council, if he thinks it necessary to call for it, but according to the edicts of *such* an administration—Will it mend the matter that this governor, thus *dependent upon the crown*, is to be the judge of the *legality* of instructions and their consistency with the Charter, which is the constitution? Or if their present governor should be possess'd of as many angelic properties as we have heard of in the late addresses, can they enjoy that tranquility of mind arising from their sense of safety, which Montesquieu defines to be civil liberty, when they consider how *precarious* a person a provincial governor is, especially a *good one*? And how likely a thing it is, *if he is* a good one, that another may soon be placed in his stead, possessed of the principles of the Devil, who for the sake of holding his commission

which is even now pleaded as a weighty motive, will execute to the full the orders of an abandon'd minister, to the ruin of those liberties which we are told are now so secure—Will a people be perswaded that their liberties are safe, while their representatives in general assembly, if they are ever to meet again, will be deprived of the most essential privilege of giving and granting what *part* of their own money they are yet allowed to give and grant, unless, in conformity to a ministerial instruction to the governor, solemnly read to them for their *direction*, they exempt the commissioners of the customs, or any other *favorites or tools* of the ministry, from their *equitable* share in the tax? All these and many others that might be mention'd, are the *natural* effects of that capital cause of complaint of all North-America, which, to use the language of those "intemperate patriots", the majority of the present assembly, is "a subjugation to as arbitrary a TRIBUTE as ever the Romans laid upon the Jews, or their other colonies" —What now is the advice of Chronus? Why, "much may be done, says he, by humble petitions and representations of the *hardship* of certain measures"—Ask him whether the colonies have not already done it? Whether the assembly of this province, the convention, the town of Boston, have not petitioned and humbly represented the hardship of certain measures, and all to no purpose, and he tells you either that he is "a stranger to those petitions", or "that they were not duly timed, or properly urged," or "that the true reason why ALL our petitions and representations met with no better success was, because they were ac-

companied with a conduct quite the reverse of that submission and duty which they seem'd to express"—that "to present a petition with one hand, while the other is held up in a threatning posture to enforce it, is not the way to succeed"—Search for his meaning, and enquire when the threatning hand was held up, and you'll find him encountering the Resolves of the Town of Boston to maintain their Rights, (in which they copied after the patriotic Assemblies of the several Colonies) and their Instructions to their Representatives. Here is the sad source of all our difficulties.—Chronus would have us petition, and humbly represent the hardships of certain measures, but we must by no means *assert our Liberties.* We must acknowledge, at least *tacitly*, that the Parliament of Great Britain has a constitutional authority, "to throw down the distinction between Liberty and slavery" in America. We may indeed, humbly represent it as a *hardship*, but if they are resolved to execute the purpose, we must submit to it, without the least intimation to posterity, that we look'd upon it as unconstitutional or unjust. Such advice was sagely given to the Colonists a few years ago, at second hand, by one who had taken a trip to the great city, and grew wonderfully acquainted, as he said, with Lord Hillsborough; but his foibles are now "buried under the mantle of charity." Very different was his advice from that of another of infinitely greater abilities, as well as experience in the public affairs of the nation, and the colonies: I mean Doctor Benjamin Franklin, the present agent of the House of Representatives. His last letter to his constituents, as I

am well informed, strongly recommends the holding up our constitutional Rights, by *frequent Resolves, &c.* This we know will be obnoxious to those who are in the plan to enslave us: But remember my countrymen, it will be better to have your liberties wrested from you by *force*, than to have it said that you even implicitly *surrendered* them.

I have something more to say to Chronus when leisure will admit of it.

CANDIDUS.

TO HENRY MARCHANT.[1]

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Jan 7 1772

SIR

I wrote you soon after your departure from hence but am lately informd by Mr F. Dana that you have not receivd my Letter; he has put me in the way of a more sure direction under an Inclosure to Mess Trecothick & Apthorp.

By our last Vessells from London we have an Account of the Choice of Mr Nash for the Lord Mayor, & that he was brot in by ministerial Influence. It gives great Concern to the Friends of Liberty here that any Administration much more such as the present appears to be, should have an Ascendency in the important Elections of that City, which has heretofore by her Independency & Incorruption been the great Security of the Freedom of the nation. It is

[1] Attorney-General of Rhode Island. The letter was addressed to Marchant at London, where he was acting as the agent of Rhode Island. He left Rhode Island in July, 1771, and returned in the autumn of 1772. *Cf.*, *Records of the Colony of Rhode Island*, vol. vii., pp. 27–31, 197.

questionable however whether the Ministry would have gaind their point, if they had not according to the Machiavellian plan accomplishd a Division among those who profess to be Patriots. The same Art is now practicd by their Tools & Dependents on this side the Water. They have been endeavoring to excite a Jealousy among the Colonies, each one of the others, & in a great measure brought it about by the unfortunate failure of the Nonimportation Agreement. Perhaps every Colony was faulty in that matter in some degree but neither chose to take any of the Blame of it to its self, & to shift it off each cast the whole upon the others. The Truth is there were so many of the Merchants under the Court Influence in all of them as that they were able to defeat the plan, & for that Reason I was doubtful from the beginning of the Success of it. The Agents of the Ministry have since been trying to perswade the people to believe that they are sick of their measures & would be glad to recede, but cannot consistent with their own honor while the Colonies are clamoring against them —they would therefore have us to be quite silent as tho we enjoyd our Rights & Liberties to the full, & trust that those who have discoverd the greatest perseverance in every Measure to enslave us, will of their own Accord & without the least Necessity give up their Design. This soothing & dangerous Doctrine I fear has had an effect in some of the Colonies, but I am in hopes that those who have been ready to trust to the false promises of Courtiers begin to see through the Delusion. It was impossible that many persons could be catchd in such a Snare in this province, where

absolute Despotism appears to be continually making large Strides with barefaced Impudence. It will not be easy to convince this people that the Ministry have in their hearts any favor towards them, while they are taking their money out of their pockets, & appropriating it for the maintenance of a Governor who because of his absolute Dependence upon them will always yield obedience to their Instructions, and a standing Army in their Capital fortress, over which that Governor I presume to say dares not exercise any Authority, tho invested with it by the Charter, without express Leave from his Masters. Administration must be strangely blind indeed, or they must think us the most foolish and ductile people under Heaven (in which they are greatly mistaken) to imagine that in such a Condition we are to be flatterd with hopes of any kind Disposition of theirs towards us. The Governor & other Friends to the Ministry or rather friends to themselves would fain have it thought in England, that the People in general are easy & contented or to use the Words of his Speech at the opening of the last Session, that they are returnd to Good order & Government;[1] this may tend to establish him in his Seat as one who can carry the most favorite points but Nothing can afford greater Evidence to the Contrary than the general Contempt and Indignation with which his proclamation for an annual Thanksgiving was treated, because we were therein exhorted to return Thanks to Almighty God that "our religious & civil privileges were *continued* to us" & that "our Trade was *enlargd*"—It is said

[1] May 30, 1771. *Massachusetts State Papers*, p. 300.

& I believe it to be a fact, that full two thirds of the congregational Clergy refusd to read the proclamation, & perhaps not more of them than appeard the last Spring in favor [of] the pompous congratulatory Address, that is not a Sixth part of them took any notice of those Clauses in the religious Services of the day. It is for the Interest of the Crown Officers here who are dependent upon the Ministers to make them believe that they have by their Art & policy reconciled the people to their Measures, & if the Nation is so far misled as to believe so, the Ministry may avail themselves of it, but if the Contrary should happen to be true, as it appears to me to be, such Events may sooner than we are aware of it take place, as may afford the Nation Grounds to repent of her Credulity. It may be thought arrogant for an American thus to express himself, but let Britain consider that her own & her Colonies dependence is at present mutual which may not & probably will not be the Case in some hereafter. Why should either side hasten on the alarming Crisis. I am a friend to both, but I confess my friendship to the latter is the most ardent—they have in time past and if by the severe treatment which the Colonies have receivd, Confidence in the Mother Country is not in too great a Degree lost, they may still for some time to come administer to each others Happiness & Grandeur. This in my humble Opinion greatly depends upon a Change of Ministers & Measures which it is not in my power & I presume not in yours however earnestly we both may desire it, to accomplish.

I wait in daily Expectation of a Letter from you.

TO ARTHUR LEE.

[R. H. Lee, *Life of Arthur Lee*, vol. ii., pp., 189–192; a draft is in the Samuel Adams Papers, Lenox Library.]

BOSTON, January 14th, 1772.

SIR,—

Your latest letter to me is of the 10th June,[1] since which I have several times written to you and have been impatiently waiting for your farther favours. I suppose by this time the parliament is sitting for the despatch of business, and we shall soon discover whether administration have had it in their hearts, as we have been flattered, to recede from their oppressive measures, and repeal the obnoxious revenue acts. Is it not a strange mode of expression of late years made use of, that *administration intends* that this law shall be enacted, or that repealed? It is language adapted to the infamy of the present times, by a nation which boasts of the freedom and independency of her parliaments. I believe almost any of the *American* assemblies would highly resent such an imperious tone, even in the *honourable board* of commissioners of the customs, who I dare say think themselves equal in dignity, at least in proportion to the different countries, to his majesty's ministers of state. A Bostonian, I assure you, would blush with indignation to hear it said that his majesty's commissioners of the customs (though perhaps they are of his excellency's privy council) had held a consultation at Butcher's Hall, upon the affairs of the province, and that they had come to a conclusion that the

[1] R. H. Lee, *Life of Arthur Lee*, vol. i., pp. 215–219.

house of representatives *should rescind* their late protest against any doctrines which tend to give royal instructions to the governor, the *force of laws.* This protest it is said, his majesty's wise ministers were so hugely affronted at, as to alter their determination upon a question, in which the fate of the British nation was involved, namely, whether our general assembly should sit at Cambridge or in Boston. I confess this was a question of such astonishing importance to the millions of Britons and their descendants, and decided no doubt with such refined discrimination of judgment, that is not so much to be wondered at, if all national wisdom is to be ascribed to such a bed of counsellors, who seem to have possessed themselves of all national power. But as the circumstances of things may alter, and his majesty may be obliged through necessity to have recourse to men of *common* understanding, when these are gone to receive their just rewards in another life, would it not be most proper that the parliament should be at least the *ostensive* legislature, for there is danger in precedents, and in time to come the supreme power of the nation may be the *dupes* of a ministry, who may have no more understanding than themselves. It has been said that the king's ministers have for years past received momentary hints respecting the fabrication of American revenue laws and other regulations, from some very wise heads on this side of the water, and particularly of this place; and perhaps Great Britain may be more indebted to some *Bostonians* or residents in Boston than she may imagine, however reproachfully

she may have spoken of them. Bernard publicly declared that he did not obtrude his *advice* on his majesty's ministers *unasked;* and therefore we may naturally conclude that my lord of Hillsborough, (sublime as his understanding is) the minister in the department, stood in need of and *asked* his advice, when the baronet journalized the necessary measures of administration for the colonies, which he retailed in weekly and sometimes daily letters to his lordship. On his departure he recommended Mr Hutchinson, though a Bostonian, "born and educated" as one upon whom his lordship might depend as much as upon himself; and in this *one thing* I believe Bernard wrote the *truth*, for if they have not equal merit for their faithful services to administration, Mr. Hutchinson, I verily believe, has the greatest share. It is whispered here that the *honourable board* of commissioners have represented to administration that the present revenue is not sufficient to answer all demands, which are daily increasing, and therefore it will be necessary for *their lordships* to establish an additional fund. This is an important hint, which may relieve their lordships, unless a new manoeuvre should succeed, of which we have an account in the Boston Gazette enclosed. By a vessel just arrived from London, the friends of government, as they call themselves, pretend that they have certain assurances from administration, that in three months we shall not be troubled with commissioners or standing armies. This, if we could depend upon court promises, would afford an agreeable prospect. But the root of all our grievances is the parliament's

taxing us, which they cannot do, but upon principles repugnant to and subversive of our constitution. If *their lordships*, the ministry, would be pleased to repeal the revenue acts, they would strike a blow at the root.

The grand design of our adversaries is to lull us into security, and make us easy while the acts remain in force, which would prove fatal to us.

I have written in great haste, and am sincerely your friend and humble servant,

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, January 20, 1772.]

Messieurs EDES & GILL,

IN the Massachusetts-Gazette of the 9th instant, Chronus attempts to prove that "the Parliament's laying duties upon trade, *for the express purpose of raising a revenue*, is not repugnant to and subversive of our constitution." In defence of this proposition, he proceeds to consider the nation as *commercial*, and from thence to show the necessity of laws for the *regulation of trade*.—In the nation he includes Great-Britain and all the Colonies, and infers that these acts for the *regulation of trade*, "should extend to all the British dominions, to prevent one part of the *national body* from injuring another." And, says he, "If laws for the *regulation of trade* are necessary, who so proper to enact them, &c. as the British parliament, or to dispose of the fines & forfeitures arising

from the breach of such acts?" And then he tells us, that as a number of preventive officers will hereupon become necessary, the parliament have thought proper to assign to his Majesty's revenue "the profits arising on the duties of importation for the payment of those officers". This is *Chronus's* "method of reasoning", to prove that because it is necessary that the parliament should enact laws for the regulation of trade, about which there has as yet been no dispute that I know of, and because it is proper that such preventive officers as shall be found needful to carry those laws into execution, should be paid out of the fines and forfeitures arising from the breach of them, *Therefore*, the parliament hath a right to make laws imposing duties or taxes, for *the express purpose of raising a revenue* in the colonies without their consent; and that this is not (as is alledg'd by our "Patriots") "repugnant to or subversive of our constitution". Every one may easily see how *Chronus* evades the matter in dispute, and aims at amusing his readers according to his usual manner, by endeavouring, and that without a shadow of argument, to prove one point, instead of another which is quite *distinct* from it, and which he ought to prove, but cannot. He is indeed sensible that his artifice is seen through; that it will be urged that "he has evaded the chief difficulties," and that "the objection doth not lie against the regulation of trade, but against the imposing duties for the express purpose of raising a revenue." And he is full ready to remove this objection. But how? Why, by asking a question, which he often substitutes in the room of argument. Are we not,

says he, "fellow-subjects with our brethren at home, and consequently bound to bear a part according to our ability, in supporting the honor & dignity of the crown?" It is allow'd that we are the *subjects of the same prince* with our brethren at home, and are in duty bound, as far as we are able, to support the honor and dignity of our Sovereign, while he affords us his protection. But does *Chronus* from thence infer an obligation on us to yield obedience *to the acts of the British parliament* imposing taxes upon us with the express intention of raising a revenue, to be appropriated for such purposes as that legislative thinks proper, without our consent? O, says he, "there is good reason for this." What is the good reason? Why "if we will not consent to do anything ourselves", "our money will be taken from us *without our consent.*" This is conclusive argument indeed. And then he, as it were, imperceptibly glides into that which has ever appeared to be his *favorite topick*, however impertinent to the present point, viz. an independent support for the governor. He boldly affirms, what is a notorious untruth, that "we are unwilling to pay his Majesty's substitute in such a manner as should leave him that freedom and independency which is necessary to his station, and with which he is vested by the constitution:" And therefore the parliament hath a right to enable his Majesty to pay his substitute, out of a revenue *extorted* from us against our consent. If his premises were well grounded, his conclusion would not follow: And the question would still remain, to which *Chronus* has not attempted to give any rational answer, namely, By

By what authority doth the parliament these things, and who gave them this authority? Thus we still continue to dispute the authority of the parliament to lay duties and taxes upon us, with the express purpose of raising a revenue, as "repugnant to, and subversive of our constitution;" and for a reason which I dare say *Chronus* will never get over, namely, because as he himself allows, "*we are not represented in it.*"—

The English constitution, says Baron *Montesquieu*, has Liberty for its direct object: And the constitution of this province, as our own historian,[1] informs us, is an epitome of the British constitution; and it undoubtedly has the same end for its object: Whatever laws therefore are made for our government, either in a manner, or for purposes subversive of Liberty, must be subversive of the end of the constitution, and consequently of the constitution itself.—No *free* people, as the Pennsylvania Farmer has observed, ever existed, or ever can exist without, to use a common but strong expression, keeping the *purse-strings* in their hands: But the parliament's laying taxes on the Colonies for the express purpose of raising a revenue, takes the purse strings out of their hands, and consequently it is "repugnant to, and subversive of (the end of) our constitution"—Liberty. Mr. *Locke* says, that the security of property is the end for which men enter into society; and I believe *Chronus* will not deny it: Whatever laws therefore are made in any society, tending to render property *insecure*, must be subversive of the end for which men prefer society to the state of nature; and conse-

[1] Mr. Hutchinson.

quently must be subversive of society itself: But the parliament in which the Colonies have no voice, taking as much of their money as it pleases, and appropriating it to such purposes as it pleases, even against their consent, and as they think repugnant to their safety, renders *all their property* precarious, and therefore it is subversive of the end for which men enter into society and repugnant to every free constitution. —Mr. *Hooker* in his ecclesiastical polity, as quoted by Mr. *Locke*, affirms that "Laws they are not, which the *public approbation* hath not made so." This seems to be the language of nature and common sense; for if the public are bound to yield obedience to the laws, to which they cannot give *their* approbation, they are slaves to those who make such laws and enforce them: But the acts of parliament imposing duties, with the express purpose of raising a revenue in the colonies, have received every mark of the public *disapprobation* in every colony; and yet they are enforced in all, and in some with the utmost rigour. The British constitution having liberty for its object, is so framed, as that every man who is to be bound by any law about to be made, may be present by his representative in parliament, who may employ the whole force of his objections against it, if he cannot approve of it: If after fair debate, it is approv'd of by the *majority* of the whole representative body of the nation, the *minority*, by a rule essential in society, and without which it could not subsist, is bound to submit to it: But the colonies had *no voice* in parliament when the revenue acts were made; nay, though they had no representatives there, their petitions were

rejected, because they were against duties to be *laid on*; and they have been called factious, for the objections they made, not only against their being taxed *without their consent*, which was a sufficient objection, but against the appropriation of the money when rais'd to purposes which as the Farmer has made to appear, will supersede the authority in our respective assemblies, which is *most essential to liberty*. Representation and Legislation, as well as taxation, are inseparable, according to the *spirit* of our constitution; and of all others that are free. Human foresight is incapable of providing against every *accident*. A small part of the nation may be "at sea, as *Chronus* tells us, when writs are issued out for the election of members of parliament"; and to admit that they, after their return "should be exempt from any acts of parliament, the members of which were chosen in their absence", would be attended with greater evil to the community, the safety and welfare of which is *the end* of all legislation, than the misfortune of their *voluntary* absence, if it should prove one, could be to them. I say, if it should prove a misfortune to them; for those acts being made by the consent of representatives chosen by *all* the rest of the nation, it is presum'd they are calculated for the good of *the whole*, of which they, as *a part*, must necessarily partake: But the *supposed* case of these persons is far different from that of the colonists; who are, not by a voluntary choice of their own, but through *necessity*, not by mere accident, but by means of the local distance of their *constant* residence, excluded from being present by representation in the British legislature. *Chronus*

allows that by means of their distance, "they are become incapable of exercising their *original right* of choosing representatives for the British parliament." If so, they cannot without subversion of the end of the British constitution, be bound to obedience, against their own consent, to such laws as are there made; especially such laws as tend to render precari ous *their property*, the security of which is *the end* of men's entering into society. If they are thus bound, they are *slaves* and not *free men*: But slavery must certainly be "repugnant to the constitution" which has liberty for its direct object. If the supreme legislative of Great Britain, cannot consistently with the British constitution or the *essential liberty* of the colonies, make laws binding upon them, and *Chronus* for ought I can see, has not attempted to make it rationally appear that it can, it is dangerous for the colonies to admit any of its laws. For however upright some may think the present parliament to be, in intention, they may ruin us through mistake arising from an incurable ignorance of our circumstances; and though *Chronus* may be so singular as to judge the present revenue acts of parliament binding upon the colonies, to be salutary, the time may perhaps come, when even he may be convinced, that future ones may be oppressive and tyrannical, not only in their execution, but in the very intention of those that may make them.

Chronus says, that "he has all along taken it for granted, that the kingdom and the colonies are *one dominion*." If so he must allow the colonies to *take it for granted* that they have an equal share

with the inhabitants of Britain in the rights *belonging* to this one dominion, and particularly in the cardinal right of being represented in the supreme legislature. But that right, he says, they are "incapable of exercising," by reason of their *distance*. We all agree in this, and it is not their fault? Why then should they not have the right of legislating for *themselves*, as well as that other part of this *one dominion?* Why truly, we have "a right of choosing an assembly, which with the concurrence of his Majesty's Governor, hath a power of enacting local statutes, establishing taxes, &c.— Yet still in subordination to the general laws of the empire, reserving the full right of supremacy & dominion, which are in themselves *unalienable*." If I understand his meaning in this dark expression, it is this, we have a right of choosing an assembly, but this assembly is controulable in *all its acts*, by another assembly which we have *no right* to choose, and which has this right of controul in itself *unalienable*. But the question still recurs, How came this right to be in the British parliament? *Chronus* says that "admitting that we are all one dominion, there is, and *must be*, a supreme, irresistible, absolute, uncontrouled authority, in which must reside the power of making and establishing laws," "and *all others* must conform to it, and be *govern'd* by it". But if we are all *one dominion*; or if I understand him, the members of *one state*, tho' so remotely situated, the kingdom from the Colonies, as that we cannot all partake of the rights of the supreme Legislature, why may not this "irresistible, absolute, uncontrouled," and controuling "authority, in

which the *jura summi imperii*, or the rights of the government reside", be established in *America*, or in *Ireland*, as well as in *Britain*. Is there any thing in *nature*, or has Ireland or America *consented* that the part of this *one dominion* called *Britain* shall be thus *distinguished*? Or are we to infer her *authority* from her *power*? But it *must* be, and *Chronus* gives us no other reason for it than his bare affirmation, that "the King, Lords and Commons of Great-Britain form the supreme Legislature of the British dominions". And he adds "to say that each of the Colonies had within itself a supreme independent Legislature, and that nevertheless the kingdom and the Colonies are all *one dominion*, is a solecism:" Let him then view the Kingdom and the Colonies in *another* light, and see whether there will be a *solecism* in considering them as *more* dominions *than one*, or *separate states*. It is certainly more concordant with the great law of nature and reason, which the most powerful nation may not violate and *cannot alter*, to suppose that the Colonies are separate independent *and free*, than to suppose that they *must* be one with Great-Britain *and slaves*. And slaves they must be, notwithstanding all which *Chronus* has said to the contrary, if Great Britain may make *all laws whatsoever* binding upon them, especially laws to take from them *what portions of their property* she pleases, without and against their *consent*.

I shall make further remarks upon *Chronus*, when I shall be at leisure.

CANDIDUS.

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, January 27, 1772; a complete draft of this article is in the Samuel Adams Papers, Lenox Library.]

Messieurs EDES & GILL,

I have observed from Baron Montesquieu, that the British constitution has liberty for its direct object; and that the constitution of this province, according to Mr. Hutchinson, is an epitome of the British constitution: That the right of representation in the body that legislates, is essential to the British constitution, without which there cannot be liberty; and Chronus himself acknowledges, that the Americans are "incapable of exercising this right": Let him draw what conclusion he pleases. All I insist upon is, that the conclusion cannot be just, that "the parliament's laying duties upon trade *with the express purpose of raising a revenue*, is not repugnant to or subversive of our constitution." This doctrine, tho' long exploded by the best writers on both sides of the atlantic, he now urges; and he is reduced to this necessity, in order to justify or give coloring to his frequent bold assertions, that "no one has attempted even to infringe our liberties," and to his *ungenerous* reflections upon those who declare themselves of a different mind, as "pretended patriots," "overzealous," "intemperate politicians," "men of no property," who "expect to find their account" in perpetually keeping up the ball of contention. But after all that Chronus and his associates have said, or can say, the people of America have just "grounds still to complain" that their rights are vio-

lated. There seems to be a system of "tyranny and oppression" already begun. It is therefore the duty of every honest man, to alarm his fellow-citizens and countrymen, and awaken in them the utmost vigilance and circumspection. Jealousy, especially at such a time, is a political virtue: Nay, I will say, it is a moral virtue; for we are under all obligations to do what in us lies to save our country. "*Tyrants* alone, says the great *Vatel*, will treat as *seditious*, those brave and resolute citizens, who exhort the people to preserve themselves from oppression, in vindication of their rights and privileges: A good prince, says he, will commend such *virtuous patriots*" —— and will "mistrust the *selfish* suggestions of a minister, who represents to him as *rebels*, all those citizens who *do not hold out their hands to chains*, who refuse *tamely* to suffer the strokes of *arbitrary power*."

I cannot help observing how artfully Chronus expresses his position, that the "parliament's laying *duties upon trade* with the express purpose of raising a revenue, is not repugnant to our constitution." It has not been made a question, that I know of, whether the parliament hath a right to make laws for the regulation of the trade of the colonies. *Power* she undoubtedly has to enforce her acts of trade: And the strongest maritime power *caeteris paribus*, will always make the most advantageous treaties, and give laws of trade to other nations, for whom there can be no pretence to the right of legislation. The matter however should be considered equitably, if it should ever be considered at all: If the trade of the Colonies is *protected* by the British navy, there

may possibly be from thence inferr'd a just right in the parliament of Great Britain to restrain them from carrying on their trade to the injury of the trade of Great Britain. But this being granted, it is very different from the right to make laws in all cases whatever binding upon the Colonies, and especially for laying duties upon trade *for the express purpose of raising a revenue.* In the one case it may be the wisdom of the Colonies, under present circumstances to acquiesce in *reasonable* restrictions, rather than lose their whole trade by means of the depredations of a foreign power: In the other, it is a duty they owe themselves and their posterity, *by no means to acquiesce*; because it involves them in a state of perfect slavery. I say perfect slavery: For, as political liberty in its perfection consists in the people's consenting by themselves or their representatives, to *all* laws which they are bound to obey, so perfect political slavery consists in their being bound to obey *any* laws for taxing them, to which they cannot consent. If a people can be deprived of their property by another person or nation, it is evident that such a people cannot be free. Whether it be by a nation or a monarch, is not material: The *masters* indeed are different, but the *government* is equally despotic; and tho' the despotism may be mild, *from principles of policy*, it is not the *less* a despotism.

Chronus talks of *Magna Charta* as though it were of no greater consequence than an act of parliament for the establishment of a corporation of button-makers. Whatever low ideas he may entertain of that *Great Charter*, and such ideas he must entertain

of it to support the cause he hath espous'd, it is affirm'd by Lord Coke, to be declaratory of the principal grounds of the fundamental laws and liberties of England. "It is called *Charta Libertatum Regni, the Charter of the Liberties of the kingdom*, upon great reason, says that sage of the law, because *liberos facit, it makes and preserves the people free.*" Those therefore who would *make the people slaves*, would fain have them look upon this charter, in a light of indifference, which so often affirms *sua jura, suas libertates, their own* rights, *their own liberties*: But if it be declaratory of the principal grounds of the fundamental laws and liberties of England, it cannot be altered in any of its essential parts, without altering the constitution. Whatever Chronus may have adopted from Mr. Hume, Vatel tells us plainly and without hesitation, that "the supreme legislative cannot change the constitution," "that their authority does not extend so far," & "that they ought to consider the *fundamental* laws as sacred, if the nation has not, *in very express terms*, given them power to change them." And he gives a reason for it solid and weighty; for, says he, "the constitution of the state ought to be *fixed.*" Mr. Hume, as quoted by Chronus, says, the only rule of government is the *established practice* of the age, upon maxims *universally assented to.* If then any deviation is made from the *maxims* upon which the *established practice* of the age is founded, it must be by *universal assent.* "The fundamental laws," says Vatel, "are excepted from their (legislators) commission," "nothing leads us to think that the nation was willing to submit *the consti-*

tution itself to their pleasure." "They derive their authority from the constitution, how then can they change it without destroying the foundation of their own authority?" If then according to Lord Coke, *Magna Charta* is declaratory of the principal grounds of the *fundamental* laws and liberties of the people, and Vatel is right in his opinion, that the supreme legislative cannot change the constitution, I think it follows, whether Lord Coke has expressly asserted it or not, that an act of parliament made against Magna Charta in violation of its essential parts, is void.—"By the fundamental laws of England, says Vatel, the two houses of parliament in concert with the King, exercise the legislative power: But if the two houses should resolve to suppress themselves, and to invest the King with the full and absolute government, *certainly the nation would not suffer it*," although it was done by a solemn act of parliament. But such doctrine is directly the reverse of that which Chronus holds; which amounts to this, that if the two houses should give up to the King, any, the most essential rights of the people declared in Magna Charta, the nation has not a power either *de jura* or *de facto* to prevent it. I may hereafter quote for his serious perusal, the reasoning of the immortal Locke upon this important subject, and am, in the mean time,

Your's,

CANDIDUS.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR, APRIL 10, 1772.

[*Massachusetts State Papers*, pp. 315, 316; a draft, is in the Samuel Adams Papers, Lenox Library.]

May it please your Excellency.

The House of Representatives have duly considered your speech[1] to both Houses, at the opening of this session. Your Excellency is pleased to acquaint us, that, "if we had desired you to carry the Court to Boston, because it is the most convenient place; and the prerogative of the Crown to instruct the Governor to convene the Court at such place as his Majesty may think proper, had not been denied; you should have obtained leave to meet us in Boston, at this time; but that you shall not be at liberty to do so, whilst this denial is persisted in."

We have maturely considered this point; and are still firmly in opinion, that such instruction is repugnant to the royal charter, wherein the Governor is vested with the full power of adjournment, proroguing and dissolving the General Assembly, as he shall judge necessary. Nothing in the charter, appears to us to afford the least grounds to conclude, that a right is reserved to his Majesty of controling the Governor, in thus exercising this full power. Nor indeed does it seem reasonable that there should; for, it being impossible that any one, at the distance of three thousand miles, should be able to foresee the

[1] The original message of Governor Hutchinson of April 8, 1772, is among the Samuel Adams Papers, Lenox Library, and on it is endorsed, in the handwriting of Adams, the fourth paragraph of the following reply.

[2] *Massachusetts State Papers*, pp. 313-315.

most convenient time or place of holding the Assembly, it is necessary that such discretionary power should be lodged with the Governor, who is, by Charter, constantly to reside within the Province.

We are still earnestly desirous of the removal of this Assembly to the Court House, in Boston; and we are sorry that your Excellency's determination thereon, depends upon our disavowing these principles; because we cannot do it consistently with the duty we owe our constituents. We are constrained to be explicit at this time; for if we should be silent, after your Excellency has recommended it to us, as a necessary preliminary, to desist from saying any thing upon this head, while we request your Excellency for a removal of the Assembly, for reasons of convenience only, it might be construed as tacitly conceding to a doctrine injurious to the constitution, and in effect, as rescinding our own record, of which we still deliberately approve.

The power of adjourning and proroguing the General Assembly, is a power in trust, to be exercised for the good of the province; this House have a right to judge for themselves, whether it was thus exercised. We cannot avoid taking this occasion, freely to declare to your Excellency, that the holding of the Assembly in this place, without any good reason which we can conceive of, under the many and great inconveniences which this, and former Houses, have so fully set forth to your Excellency, is, in our opinion, an undue exercise of power; and a very great grievance, which we still hope will soon be fully redressed.

Your Excellency may be assured, that this House will, with all convenient despatch, take into our most serious consideration, that part of your speech which concerns the establishment of a partition line between this province and the province of New York; and that we will, with great candor, contribute every thing in our power, to accomplish the same equitable terms.

The other parts of your Excellency's speech, have had the proper attention of the House; and we are determined, during the remainder of the session, which must be short, to consult his Majesty's real service—the true interest of the province.

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, April 20, 1772.]

Messieurs EDES & GILL,

Philanthrop Jun. in Draper's paper of the 9th current tells us, that "For four or five years together nobody could appear in print unless he was a favourer of what is call'd Liberty," and therefore concludes, "Falshood has been imposed on the credulous readers of News-papers, and has spread through the country for truth, because no one would contradict it." What fortitude must a man be possess'd of that can offer two such sentences to the eye of the public in a paper which for that space has contained nothing else in the political way? Again, why have we a mark of distinction in the signature? Was Philanthrop senior

a liberty writer? Was the True Patriot a liberty writer? Were all the scribblers in Mein's Chronicle friends or favourers of what is called liberty? Blush! reformer blush at imposition of so gross a kind!

But what are the falshoods these credulous people have been led to believe? Why it seems that men from Lancaster and elsewhere, have been insinuating that we laboured under grievances in commerce, legislation, and execution of the wholesome laws of the land, when no such thing has been seen, *felt*, heard or understood among us; and one Lancaster man in particular, has been furnished with all his prejudices from the letters of Junius Americanus, a despicable creature (as we say) who has certainly blackened some *men* and measures in both Englands, in such manner as defies time itself to bleach their characters. And till the officious Philanthrop engaged, every one judged the friends, at least, of those *respectable* men, would avoid the provocation of fresh caustics to such rankled ulcers; but luxuriant flesh forever interrupts the efficacy of the most healing plaisters, and must be removed as fast as it puts forth. Indeed gentlemen, I myself who live in Boston, the centre of American politicks, have suspected we had some grievances to complain of before either Junius Anglicanus or Americanus ever published a letter on the subject to my knowledge: I thought the stamp-act a grievance, I think the extension of the vice-admiralty courts a grievance, I think the captious and unprecedented treatment of our legislature a grievance; and above all, I think the alteration of our free and mutually dependent constitution, into a dependent ministerial

despotism a grievance so great, so ignominious and intolerable, that in case I did not hope things would in some measure regain their ancient situation, without more blood shed and murder than has already been committed, I could freely wish at the risk of my all to have a fair chance of offering to the manes of my slaughtered countrymen a libation of the blood of the ruthless traitors who conspired their destruction. It is here I confess my fingers would fall with weight, let those of Dr. Y——g, Mr. ——x, or even Mr. A——s, fall how or where they pleased.

VINDEX.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR. JULY 14, 1772.[1]

[*Massachusetts State Papers*, pp. 330, 331; extracts are printed in W. V. Wells, *Life of Samuel Adams*, vol. i., p. 482, with the statement that such extracts were copied from an original draft in the autograph of Adams.[2]]

May it please your Excellency,

In answer to your message of yesterday, this House beg leave to observe, that they are not unapprized that the Province House is out of repair, and that expense might be saved, by making such repairs as are necessary, as soon as may be. But, that building was procured for the residence of a Governor, whose sole support was to be provided for by the grants and acts of the General Assembly, according to the tenor of the charter: and, it is the opinion of

[1] On this date the Governor prorogued the General Court to meet again September 30. The next session actually commenced January 6, 1773.

[2] Wells also attributes to Adams the message of the House of May 29, 1772; *Life of Samuel Adams*, vol. i., p. 477; *Massachusetts State Papers*, p. 321.

this House, that it never was expected by any Assembly of this province, that it would be appropriated for the residence of any Governor, for whose support, adequate provision should be made in another way. Upon this consideration, we cannot think it our duty to make any repairs, at this time.

Your Excellency may be assured, that this House is far from being influenced by any personal disrespect. Should the time come, which we hope for, when your Excellency shall think yourself at liberty to accept of your whole support from this province, according to ancient and invariable usage, we doubt not, but you will then find the Representatives of this people ready to provide for your Excellency a house, not barely tenantable, but elegant. In the mean time, as your Excellency receives from his Majesty a certain and adequate support, we cannot have the least apprehensions that you will be so far guided by your own inclination, as that you will make any town in the province the place of your residence, but where it shall be most conducive to his Majesty's service, and the good and welfare of the people.

ARTICLE SIGNED "VALERIUS POPLICOLA."[1]

[*Boston Gazette*, October 5, 1772.]

Messieurs EDES & GILL,

"Is there a Prince on Earth, who has power to lay a single Penny upon his Subjects, without the Grant and Consent of those who are to pay it, otherwise

[1] Attributed to Adams by W. V. Wells. See above, page 256.

than by *Tyranny* and *Violence*? No Prince can levy it unless through Tyranny and under Penalty of Excommunication. But there are those who are Bruitish enough not to know what they can do or omit in this Affair."

Such is the language of a great and good Historian and Statesman, a Subject of France. Had the English Politicians and Ministers been either half as honest or half as wise as he, they would never have driven the American Revenue without the Grant or Consent of those who pay it, to such a length, as to cause an Alienation of affection which perhaps may not easily if ever be recovered. By this kind of politics, says the worthy Frenchman, Charles the seventh brought a heavy Sin upon his own Soul and upon that of his Successors, and gave his Kingdom a Wound which would continue long to bleed. The British Ministers, possibly, may entertain different Ideas of Morals from those of the French Historian, if indeed they have any such kind of ideas at all. However, the Nation, I fear, will have Occasion to rue the day, when they suffer'd their Politics so far to prevail, as to gain such an Influence in their Parliament as they certainly did in the last, to say nothing of the present. The Impositions upon the French, says Mr. Gordon,[1] grew monstrous almost as soon as they grew arbitrary. Charles the seventh, who began them, never rais'd annually more than one hundred and eighty thousand Pounds. His Son Lewis the eleventh almost trebled

[1] Rev. William Gordon, of Roxbury, author of *The History of the Rise, Progress, and Establishment, of the Independence of the United States of America.*

the Revenue; and since then, all that the Kingdom and People had, even to their Skins, has hardly been thought sufficient for their Kings." An awakening Caution to Americans! Lest by tamely submitting to be plundered, they encourage their Plunderers to grasp at all they have.

The Merchants of this Continent have passively submitted to the Indignity of a Tribute; and the Landholders, tho' Sharers in the Indignity, have been perhaps too unconcern'd Spectators of the humiliating Scene. Posterity, who will no doubt revenge their Fathers Wrongs, may also be ashamed, when in the Page of History they are informed of their tame Subjection. Had *the Body of this People* shown a proper Resentment, at the time when the proud Taskmasters first made their appearance, we should never have seen *Pensioners* multiplying like the Locusts in Egypt, which devoured every green Thing. I speak with Assurance; because it seldom has happened if ever, that even a small People has been kept long in Bondage, when they have unitedly and perseveringly resolv'd to be Free.

At that critical Period, we hearkened to what we then took to be, the Dictates of sound policy and Prudence. We were led to place a Confidence in those, whose Protection we had a right to claim, and we hoped for Deliverance in dry Remonstrances and humble Supplication. We have petition'd, repeatedly petition'd, and our Petitions *have* been heard, barely heard! The Grievances of this Continent have no doubt "reached the Royal Ear"; I wish I could see reason to say they had touch'd the Royal Heart.

No—They yet remain altogether unredress'd. Such has been the baneful Influence of corrupt and infamous Ministers and Servants of the Crown; that the Complaints of three Millions of loyal Subjects have not yet penetrated the Royal Breast, to move it even to pity.

Have not our humble Petitions, breathing a true Spirit of rational Loyalty, and expressive of a just Sense of those Liberties the Restoration of which we implored, been followed with Grievance upon Grievance, as fast as the cruel Heart and Hand of a most execrable Paricide could invent and fabricate them? I will not at present enumerate Grievances; they are known, sufficiently known, felt and understood. Is it not enough, to have a Governor, an avowed Advocate for ministerial Measures, and a most assiduous Instrument in carrying them on—moddel'd, shaped, controul'd, and directed—totally independant of the people over whom he is commissioned to govern, and yet absolutely dependent upon the Crown—*pensioned* by those on whom his existence depends, and paid out of a Revenue establish'd by those who have no Authority to establish it, and extorted from the People in a Manner most Odious, insulting and oppressive. Is not this, Indignity enough to be felt by those who have any feeling? Are we still threatned with more? Is Life, Property and every Thing dear and sacred, to be now submitted to the Decisions of PENSION'D JUDGES, holding their places during the pleasure of *such* a Governor, and a Council *perhaps* overawed! To what a State of Infamy, Wretchedness and Misery

shall we be reduc'd if our Judges shall be prevail'd upon to be thus degraded to *Hirelings*, and the *Body of the People* shall suffer their free Constitution to be overturn'd and ruin'd. Merciful GOD! Inspire Thy People with Wisdom and Fortitude, and direct them to gracious Ends. In this extreme Distress, when the Plan of Slavery seems nearly compleated, O save our Country from impending Ruin—Let not the iron Hand of Tyranny ravish our Laws and seize the Badge of Freedom, nor avow'd Corruption and the murderous Rage of lawless Power be ever seen on the sacred Seat of Justice!

Is it not High Time for the People of this Country explicitly to declare, whether they will be Freemen or Slaves? It is an important Question which ought to be decided. It concerns us more than any Thing in this Life. The Salvation of our Souls is interested in the Event: For wherever Tyranny is establish'd, Immorality of every Kind comes in like a Torrent. It is in the Interest of Tyrants to reduce the People to Ignorance and Vice. For they cannot live in any Country where Virtue and Knowledge prevail. The Religion and public Liberty of a People are intimately connected; their Interests are interwoven, they cannot subsist separately; and therefore they rise and fall together. For this Reason, it is always observable, that those who are combin'd to destroy the People's Liberties, practice every Art to poison their Morals. How greatly then does it concern us, at all Events, to put a Stop to the Progress of Tyranny. It is advanced already by far too many Strides. We are at this moment upon a preci-

pice. The next step may be fatal to us. Let us then act like wise Men; calmly took around us and consider what is best to be done. Let us converse together upon this most interesting Subject and open our minds freely to each other. Let it be the topic of conversation in every social Club. Let every Town assemble. Let Associations & Combinations be everywhere set up to consult and recover our just Rights.

pol. aspects

"*The Country claims our* active *Aid.*
That let us roam; & where we find a Spark
Of public Virtue, blow it into Flame."

VALERIUS POPLICOLA.

TO ANDREW ELTON WELLS.[1]

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Octob 21 1772

MY DEAR SIR

I have receivd several Letters from you; and my not having returnd any Answer to them before, is owing by no means to an Inattention to them, but to my misfortune in not hearing of the few Vessells that pass from hence to Georgia being about to sail, till I lost the Opportunity. I therefore upon the first Notice, make use of this Conveyance to assure you of my tender Regards & Affection for you as a *Brother*; sincerely hoping this will meet yourself & Family in health & happiness. Indeed common Experience convinces me that there is very little Dependence upon either in this Life; We too often mistake our

[1] Brother-in-law of Adams.

true Happiness, and when we arrive to the Enjoyment of that which seemd to promise it to us, we find that it is all an imaginary Dream, at the best fleeting & transitory. We have an affecting Instance of this within our own Connections; Your amiable Sister Kitty was agreably married, and when in the daily Expectation of seeing the happy Pledge of conjugal Affection, cutt off without a moments Warning of the fatal Stroke of Death! Still more happy however in another Life as we [have] abundant Reason to be assured; for the Christian Temper & Behavior she constantly exhibited, when she least expected it, afford us more solid hopes of her present Happiness, than any Expressions she might have made use of, had she been permitted, at the time of her Departure. One would from this & other like Instances conclude, that to be possessd of the Christian Principles, & to accommodate our whole Deportment to such Principles, is to be happy in this Life; it is this that sweetens every thing we enjoy; indeed of it self it yields us full Satisfaction, & thus puts it out of the power of the World to disappoint us by any of its frowns.

Your last Letter mentioned your Expectation of the sudden Dissolution of your General Assembly, which I perceive afterwards took place. It appears still to be the determination of the ministry to enslave the Colonies, and the Governors are to be the Instruments. It therefore behoves every Colony to be vigilant; & agreably to the Advice of the Pennsylvania Farmer, Each should support the others. This Province seems to be devoted to ministerial Vengeance. We have been long struggling against

the Incroachments of Tyranny, which now threatens its Completion by the Independency of the Governor & the Judges of the superior Court. If the Tribute which is by Acts of Parliament extorted from the Americans, is appropriated for making the executive Power totally independent of the People for their Support, while it is absolutely dependent upon the Crown for its being as well as Subsistence, there will be an End of freedom. In such Courts & under such an Administration, you will easily conceive what Constructions of Law & what Decisions the people are to expect. I send you two or three of our latest papers; there may be some Speculations upon the Subject in them, which you may think proper to get republishd in your papers.

You mentiond in one of your Letters your Intention to send your Daughter here, than which nothing would be more agreable to us.

Your Sister, my dear Betsy,[1] joyns with me in Expressions of Love to Mrs Wells, & begs me to assure you that she is, as I am in strict truth

Yours affectionately,

TO ELBRIDGE GERRY.

[J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 9, 10.]

BOSTON, October 27, 1772.

SIR,

I have just now received your favour, dated this day. I am perfectly of your opinion with regard to

[1] Mrs. Adams.

the independency of the judges. It is a matter beyond doubt in my mind. I was told yesterday, by one of his majesty's council, that Mr. Hutchinson has a letter by the packet, from Bernard, which advises him of it as a fact. This town is to meet to-morrow, to consider what is proper for them to do. We have looked upon it as of so interesting a nature to us, that *even the report* should alarm us. It is proposed by many among us to apply to the judges for their explicit declaration, whether they will accept of so odious a support, and to apply also to the governour for a general assembly forthwith. I will write you on Thursday, and let you know the event. Our enemies would intimidate us, by saying our brethren in the other towns are indifferent about this matter, for which reason I am particularly glad to receive your letter at this time. Roxbury, I am told, is thoroughly awake. I wish we could arouse the continent.

I write in the utmost haste,

TO ELBRIDGE GERRY.

[MS., Samuel Adams Papers, Lenox Library; a text with slight variations is in J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 10–12.]

BOSTON Oct 29 1772

MY DEAR SIR

I wrote you in great Haste on Tuesday last. Since which the Freeholders & other Inhabit^ts^ of this Town have had a Meeting,[1] to enquire into the Grounds of the Report that the Salaries of the Judges are fixd &

[1] October 28, *Boston Record Commissioners' Report*, vol. xviii., p. 88.

paid by order of the Crown, and to determine upon such measures as should be proper for them to take upon so alarming an Occasion.

The inclosd paper contains a short but true Account of their proceedings. It is proposd by some to petition the Governr to order a session of the Genl Assembly, and that the Town should expressly declare their natural & Charter Rights to their Representatives, and the Instances in which they have been violated peremptorily requiring them to take every Step which the Constitution prescribes to redress our Grievances, or if every such Step has been already taken, to inform their Constituents, that they may devise such Measures as they may see their way clear to take, or patiently bear the Yoke. I will acquaint you with the proceedings of the Town as they pass. In the mean time I wish your Town would think it proper to have a Meeting, which may be most seasonable at this time. For as the Superr Court is to be held at Salem next Week, you will have the Oppy of making a decent Application to them, & enquiring of the Certainty of this Report, & other matters mentd in your Letter to me. Which Enquiry will be more naturally made to them in Case the Govr should decline answering the message of this Town, or do it, if I may be allowd the Expression, equivocally.

This Country must shake off their intollerable burdens at all Events. Every day strengthens our oppressors & weakens us. If each Town would declare its Sense of these Matters I am perswaded our Enemies would not have it in their power to divide us, in whh they have all along shown their dexterity. Pray

use your Influence with Salem & other Towns—But I am now going with our Com^t^ to his Excellency.[1] Shall be glad of a Letter from you. Your last I read to the Town to their great Satisfaction though I concealed the name of its worthy Author.

TO ARTHUR LEE.[2]

[MS., Samuel Adams Papers, Lenox Library; a text, with variations, is in R. H. Lee, *Life of Arthur Lee*, vol. ii., pp. 193–195.]

BOSTON Novr 3 1772

MY DEAR SIR/

Since my last we have Advice that Lord Hillsborough is removd from the American Department, & tho he makes his Exit with the smiles & honors of the Court, he has the Curses of the disinterrested & better part of the Colonists. Not that it is thought his Lordship is by any means to be reckoned the most inveterate & active of all the Conspirators against our Rights: There are others on this Side of the Atlantick who have been more assiduous in plotting the Ruin of our Liberties than even he, and

[1] Adams, Otis and Joseph Warren were members of a committee of seven appointed by the Town of Boston on October 28 to present to the Governor the address adopted by the Town on that date. *Ibid.*, p. 90. The address was prepared by a committee consisting of Adams, Joseph Warren and Benjamin Church. The text is in *ibid.*, p. 89. *Cf. Works of John Adams*, vol. ii., p. 299 (October 27, 1772).

[2] Arthur Lee to Samuel Adams, January 25, 1773: "I have just now received your favour of Nov. 3, 1772, together with a pamphlet and some papers, for which I am extremely obliged to you. . . . I shall take the liberty of putting the first part of your letter in the newspapers here, as I think it extremely proper my Lord Dartmouth should read the excellent admonition it contains." R. H. Lee, *Life of Arthur Lee*, vol. i., p. 226.

they are the more infamous, because the Country they would enslave, is that very Country in which (to use the Words of their Adulators & Expectants) they were "born & educated."

The Character of Lord Dartmouth has been unexceptionable in America in point of moral Virtue; I wish it could be ascertaind of all his Majestys Ministers and Servants. It is the opinion I have of them that makes me tremble for his Lordship, lest in the Circle he should make Shipwreck of his Virtue. I am well informd that he has wrote a very polite Letter to Hutchinson, in which he expresses a Satisfaction in his Conduct, & tells him he has always been of Opinion that the King has a Right to pay his Governors & other officers but surely he should have made himself thoroughly acquainted with the several political Institutions and Charters of the Colonies as well as the nature of free Governments in general before he explicitly & officially declares such an Opinion. I wish a Consideration that he has to correspond with the most artful plausible and insinuating Geniusses, & some of them the most malicious Enemies of the common Rights of Mankind, might induce his Lordship to be upon his Guard against too suddenly giving full Credit to their Representations, which perhaps was the capital mistake of his predecessor in office—our Conspirators were alarmd at his Appointment & I believe are determined if they can to impose upon his Credulity, if he has any such Weakness about him.

We are now alarmd with the Advice that the Judges of our Superior Court, have Salaries appointed by

order of the Crown, independent of the people. This has occasiond a meeting of this metropolis, the proceedings of which you have in the inclosed papers. At the first meeting on the Wednesday[1] & at the last Adjournment on the Monday[2] following, there was a respectable Appearance of the Inhabitants, tho not so full as has sometimes been on Occasions of much less Importance; owing partly to its being the Season of the year when the Town is filled with our Country folks & every one is laying up provisions necessary for the approaching long Winter, partly from the Industry of the Enemies to prevent a full meeting as they before had been to prevent any meeting at all (for they dread nothing more) & partly from the Opinion of some that there was no method left to be taken but *the last*, which is also the Opinion of many in the Country. However as I said before, there was a respectable meeting; and I think the Town has taken a necessary Step to ascertain the true Sense of the Country with regard to our Grievances, which being known, it will be the easier to determine upon & prosecute to Effect the Methods which ought to be taken for the Redress of our intollerable Grievances. The Tories give out, tho in Whispers, that they expect what they call a Breese before long, which they say they gather from the slow, but regular Approaches that are made. They will form what Judgment they please. Perhaps they begin to be apprehensive that the body of a long insulted people will bear the In-

[1] *Boston Record Commissioners' Report*, vol. xviii., p. 88.
[2] *Ibid.*, p. 92.

sults & Oppression no longer than untill they feel in themselves Strength to shake off the Yoke. If this is their Determination, it is justifiable as far as the Declaration of Mr. H. himself has Weight; for I am told by a Gentleman whom I can credit, that in Conversation he said *there was nothing in Morality that forbid Resistance.*

In your last you expressd your hopes of the removal of Hillsborough. I could not joyn with you; for if I am to have a master, let me have a severe one that I may always have the mortifying Sense of it. I shall then always be disposed to take the first fair Opportunity of ridding my self of Slavery. There is danger of the peoples being flatterd with such partial Reliefe as Lord Dartmouth may be able, (if disposed) to obtain for them & building upon vain Hopes till their Chains are rivetted. Are they not still heaping Grievance upon Grievance, & while they remain, to what purpose would it be if his Lordship should get a few boyish Instructions to the Govr relaxed? Would this be a reason for a final Submission to a Tribute & Egyptian Taskmasters in Support of despotick Power! The Tribute, the Tribute is the Indignity which I hope in God will never be patiently borne by a People who of all the people on the Earth deserve most to be free.

I am astonishd that [Dr. Franklin] has written no Letter to the Speaker.

I shall write you by the next Ship.

TO ELBRIDGE GERRY.

[MS., Samuel Adams Papers, Lenox Library; a text, with variations, is in J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 15–18.]

BOSTON 5 Novr 1772

MY DEAR SIR

I recd with pleasure your Letter of the 2d Inst. I was sure you cd not but be of Opinion, that Unanimity in the Measures taken by the friends of the Country is of the utmost Importance. I must with great Deferrence to your Judgment, think that even in our wretched State, the mode of petitioning the Govr will have a good Effect. I was aware that his Answers would be in the same high tone, in which we find them expressd; yet our requests have been so reasonable that in refusing to comply with them he must have put himself *in the wrong*, in the opinion of every honest & sensible man; the Consequence of which will be, that such measures as the people may determine upon to save themselves, if rational & manly, will be the more reconcileable even to cautious minds, & thus we may expect that Unanimity which we wish for.

I have the satisfaction of inclosing the last proceedings of our Town meeting, in which I think you will perceive a Coincidence with your own Judgment, in a plan concerted for the whole to act upon. Our timid sort of people are disconcerted, when they are positively told that the Sentiments of the Country are different from those of the City. Therefore a free Communication with each Town will serve to ascertain this matter; and when once it appears beyond Contradiction, that we are united in Sentiments there will

be a Confidence in each other, & a plan of Opposition will be easily formed, & executed with Spirit. In such a Case (to return your own Language with entire Approbation) those "who have Virtue enough to oppose the wicked designs of the Great, will have this for their boast that they have struggled for & with an honest people."

I was at first of your Opinion "that it w^d^ be most proper for a Com^e^ from Boston, united with Com^tes^ from two or three other Towns to wait on the Judges" &c. and I mentiond it to several Gentlemen of the Neighboring Towns who approved of it, but so much Caution prevails, that they suspected whether their respective towns w^d^ stir till Boston had given the Lead, (a needless Compliment to the Capital); This turnd our Thoughts to the Measures taken by the Town, & led me to conceive hopes, that as the Super^r^ Court w^d^ be soon sitting at Salem, M^bl^ Head & other towns in that County would come into such a proposal.

I take Notice of what you observe "*that our whole dependence as a people seems to be upon our own Wisdom & Valor*," in which I fully agree with you. It puts me in mind of a Letter I rec^d^ not along ago from a friend of mine of some note in London, wherein he says, "your whole dependence under God is upon your own Virtue, (*Valor*). I know of no Noblemen in this Kingdom who care any thing about you, excepting Lords Chatham & Shelburne, & you would do well to be watchful even of them."

I earnestly wish that the Inhabitants of Marblehead & other Towns would severally meet, & if they see Cause, among other Measures, second this town &

appoint a Com^e^ to be ready to communicate with ours[1] when ready. This would at once discover an Union of Sentiments thus far & have its Influence on other Towns. It w^d^ at least show that Boston is not wholly deserted, & might prevent "its falling a Sacrifice to the Rage or ridicule of our (common) Enemies."

I shall be pleasd with your further Sentiments & am in strict truth,

TO ELBRIDGE GERRY.

[MS., Samuel Adams Papers, Lenox Library; a text, with variations, is in J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 19–21.]

BOSTON Novr 14 1772

MY DEAR SIR

Your Letter of the 10 Inst.[2] did not come to my hand till this Evening. It is a great Satisfaction to me to be assured from you that the Friends to Liberty in Marblehead are active & that there is like to be a Town meeting there. Our Committee are industrious, and I think I may promise you, they will be ready to report to the Town in two or three days; so that if your Town should think proper to make an Adjourn-

[1] The Boston Committee of Correspondence was appointed on November 2.

"It was then moved by Mr Samuel Adams, That a Committee of Correspondence be appointed to consist of twenty one Persons—to state the Rights of the Colonists and of this Province in particular, as Men, as Christians, and as Subjects; to communicate and publish the same to the several Towns in this Province and to the World as the sense of this Town, with the Infringements and Violations thereof that have been, or from time to time may be made—Also requesting of each Town a free communication of their Sentiments on this Subject—And the Question being accordingly put—Passed in the Affermative. *Nem. Cont^t^.*'" *Boston Record Commissioners' Report*, vol. xviii., p. 93. *Cf.*, William Gordon, *History of the Rise, Progress, and Establishment, of the Independence of the United States of America*, vol. i., pp. 312–314.

[2] J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 18, 19; the original is in the Samuel Adams Papers, Lenox Library.

ment for ten days or a Fortnight, they will doubtless by that time if not before have an Opportunity of acting upon our Resolutions. I am sorry when any of our Proceedings are not exactly according to your Mind. The Word you object to[1] in our resolves was designd to introduce into our State of Grievances "the Ch^h Innovations and the Establishment of those Tyrants in Religion, Bishops" which as you observe will probably take place. I cannot but hope, when you consider how indifferent too many of the Clergy are to our just & righteous Cause, that some of them are the Adulators of our Oppressors, and even some of the best of them are extremely cautious of recommending (at least in their publick performances), the Rights of their Country to the protection of Heaven, lest they should give offence to the little Gods on Earth, you will judge it quite necessary that we should assert [and] vindicate our Rights as *Christians* as well as Men & Subjects.

The Town of Roxbury are to meet on Monday next; and a great Number in Cambridge have subscribed a Petition to their Selectmen for a Meeting there. I have rec^d a Letter from a Gentleman of Influence in Plymouth who is pleasd to say, he thinks the general plan adopted here will produce great Consequences if supported with Spirit in the Country; & that he believes there will be no Difficulty in getting a Meeting there & carrying the point in seconding this town. He tells me, the Pulse of his fellow Townsmen beat high and their resentment he supposes is equal to that of any other Town. May God

[1] "Christians."

grant, that the Love of Liberty & a Zeal to support it may enkindle in every town. If the Enemies should see the flame bursting in different parts of the Country & distant from each other, it might discourage their attempts to damp & quench it. I am well assured they are alarmd at the Measure now taking, being greatly apprehensive of the same Consequences from it which our good friend at Plymouth hopes and expects. This should animate us in carrying it into Execution. I beg you would exert your utmost Influence in your neighboring towns and elsewhere. I hear Nothing of old Salem. I fear they have had an opiate administerd to them. I am told there has been a Consultation there, a Cabal in which his E——y presided. Pray let me still be favord with your Letters & be assured I am sincerely

YOUR FRIEND,

THE RIGHTS OF THE COLONISTS, A LIST OF VIOLATIONS OF RIGHTS AND A LETTER OF CORRESPONDENCE.[1]

Adopted by the Town of Boston, November 20, 1772.[2]

[*Boston Record Commissioners' Report*, vol. xviii., pp. 94–108.]

The Committee appointed by the Town the second Instant "to State the Rights of the Colonists and

[1] A complete draft of the "Rights of the Colonists," in the handwriting of Adams, is in the Committee of Correspondence Papers, Lenox Library; in the same collection is a copy of the "List of Violations," said to be in the handwriting of William Eustis, a medical student under Joseph Warren; also in the same collection is a draft of the "Letter of Correspondence," with corrections in the autograph of Adams. The preface to the English edition of the "Rights of the Colonists" is printed in J. Bigelow, *Complete Works of Benjamin Franklin*, vol. iv., pp. 542–548, and in the *Boston Gazette*, May 3, 1773.

[2] In the Committee of Correspondence Papers, Lenox Library, is the original

of this Province in particular, as Men, as Christians, and as Subjects; to communicate and publish the same to the several Towns in this Province and to the World as the sense of this Town with the Infringements and Violations thereof that have been, or from Time to Time may be made. Also requesting of each Town a free Communication of their Sentiments Reported——

First, a State of the *Rights* of the Colonists and of this Province in particular——

Secondly, A List of the *Infringements*, and Violations of those Rights.——

Thirdly, A Letter of Correspondence with the other Towns.——

1st. Natural Rights of the Colonists as Men.——

Among the Natural Rights of the Colonists are these First. a Right to *Life;* Secondly to *Liberty;* thirdly to *Property;* together with the Right to support and defend them in the best manner they can— Those are evident Branches of, rather than deductions from the Duty of Self Preservation, commonly called the first Law of Nature——

All Men have a Right to remain in a State of Nature as long as they please: And in case of intollerable Oppression, Civil or Religious, to leave the Society they belong to, and enter into another.——

When Men enter into Society, it is by voluntary consent; and they have a right to demand and insist upon the performance of such conditions, And

warrant for this town meeting, with the original return thereon signed by the twelve constables of the town. The collection also contains the rough draft minutes of the meeting, made by the town clerk, William Cooper.

previous limitations as form an equitable *original compact.*——

Every natural Right not expressly given up or from the nature of a Social Compact necessarily ceded remains.——

All positive and civil laws, should conform as far as possible, to the Law of natural reason and equity.——

As neither reason requires, nor religeon permits the contrary, every Man living in or out of a state of civil society, has a right peaceably and quietly to worship God according to the dictates of his conscience.——

" Just and true liberty, equal and impartial liberty " in matters spiritual and temporal, is a thing that all Men are clearly entitled to, by the eternal and immutable laws Of God and nature, as well as by the law of Nations, & all well grounded municipal laws, which must have their foundation in the former.——

In regard to Religeon, mutual tolleration in the different professions thereof, is what all good and candid minds in all ages have ever practiced; and both by precept and example inculcated on mankind: And it is now generally agreed among christians that this spirit of toleration in the fullest extent consistent with the being of civil society " is the chief characteristical mark of the true church " * & In so much that Mr Lock has asserted, and proved beyond the possibility of contradiction on any solid ground, that such toleration ought to be extended to all whose doctrines are not subversive of society. The only Sects which he thinks ought to be, and which by all

* See Locks Letters on Toleration.

wise laws are excluded from such toleration, are those who teach Doctrines subversive of the Civil Government under which they live. The Roman Catholicks or Papists are excluded by reason of such Doctrines as these "that Princes excommunicated may be deposed, and those they call *Hereticks* may be destroyed without mercy; besides their recognizing the Pope in so absolute a manner, in subversion of Government, by introducing as far as possible into the states, under whose protection they enjoy life, liberty and property, that solecism in politicks, Imperium in imperio * leading directly to the worst anarchy and confusion, civil discord, war and blood shed——

The natural liberty of Men by entring into society is abridg'd or restrained so far only as is necessary for the Great end of Society the best good of the whole——

In the state of nature, every man is under God, Judge and sole Judge, of his own rights and the injuries done him: By entering into society, he agrees to an Arbiter or indifferent Judge between him and his neighbours; but he no more renounces his original right, than by taking a cause out of the ordinary course of law, and leaving the decision to Referees or indifferent Arbitrations. In the last case he must pay the Referees for time and trouble; he should be also willing to pay his Just quota for the support of government, the law and constitution; the end of which is to furnish indifferent and impartial Judges in all cases that may happen, whether civil ecclesiastical, marine or military.——

"The natural liberty of man is to be free from any

* A Government within a Government—

superior power on earth, and not to be under the will or legislative authority of man; but only to have the law of nature for his rule."——

In the state of nature men may as the *Patriarchs* did, employ hired servants for the defence of their lives, liberty and property: and they should pay them reasonable wages. Government was instituted for the purposes of common defence; and those who hold the reins of government have an equitable natural right to an honourable support from the same principle "that the labourer is worthy of his hire" but then the same community which they serve, ought to be assessors of their pay: Governors have no right to seek what they please; by this, instead of being content with the station assigned them, that of honourable servants of the society, they would soon become Absolute masters, Despots, and Tyrants. Hence as a private man has a right to say, what wages he will give in his private affairs, so has a Community to determine what they will give and grant of their Substance, for the Administration of publick affairs. And in both cases more are ready generally to offer their Service at the proposed and stipulated price, than are able and willing to perform their duty.——

In short it is the greatest absurdity to suppose it in the power of one or any number of men at the entering into society, to renounce their essential natural rights, or the means of preserving those rights when the great end of civil government from the very nature of its institution is for the support, protection and defence of those very rights: the principal of which as is before observed, are life liberty and

property. If men through fear, fraud or mistake, should *in terms* renounce and give up any essential natural right, the eternal law of reason and the great end of society, would absolutely vacate such renunciation; the right to freedom being *the gift* of God Almighty, it is not in the power of Man to alienate this gift, and voluntarily become a slave——

2d. *The Rights of the Colonists as Christians*——

These may be best understood by reading—and carefully studying the institutes of the great Lawgiver and head of the Christian Church: which are to be found closely[1] written and promulgated in the *New Testament*——

By the Act of the British Parliament commonly called the Toleration Act, every subject in England Except Papists &c was restored to, and re-established in, his natural right to worship God according to the dictates of his own conscience. And by the Charter of this Province it is granted ordained and established (that it is declared as an original right) that there shall be liberty of conscience allowed in the worship of God, to all christians except Papists, inhabiting or which shall inhabit or be resident within said Province or Territory.* Magna Charta itself is in substance but a constrained Declaration, or proclamation, and promulgation in the name of King, Lord, and Commons of the sense the latter had of their original inherent, indefeazible natural Rights,† as also those of

[1] So printed. The draft and pamphlet edition read "clearly."

* See 1. Wm. and Mary. St. 2. C. 18—and Massachusetts Charter.

† Lord Cokes Im.[3] Blackstone, Commentaries—Vol. 1st. Page 122.

[3] So printed. The draft and pamphlet edition read "Inst."

free Citizens equally perdurable with the other. That great author that great jurist, and even that Court writer Mr Justice Blackstone holds that this recognition was justly obtained of King John sword in hand: and peradventure it must be one day sword in hand again rescued and preserved from total destruction and oblivion.——

3d. *The Rights of the Colonists as Subjects*

A Common Wealth or state is a body politick or civil society of men, united together to promote their mutual safety and prosperity, by means of their union.*

The *absolute Rights* of Englishmen, and all freemen in or out of Civil society, are principally, *personal security personal liberty* and *private property*.

All Persons born in the British American Colonies are by the laws of God and nature, and by the Common law of England, *exclusive of all charters from the Crown*, well Entitled, and by the Acts of the British Parliament are declared to be entitled to all the natural essential, inherent & inseperable Rights Liberties and Privileges of Subjects born in Great Britain, or within the Realm. Among those Rights are the following; which no men or body of men, consistently with their own rights as men and citizens or members of society, can for themselves give up, or take away from others

First, "The first fundamental positive law of all Commonwealths or States, is the establishing the legislative power; as the first fundamental *natural*

* See Lock and Vatel—

law also, which is to govern even the legislative power itself, is the preservation of the Society." *

Secondly, The Legislative has no right to absolute arbitrary power over the lives and fortunes of the people: Nor can mortals assume a prerogative, not only too high for men, but for Angels; and therefore reserved for the exercise of the *Deity* alone.—

"The Legislative cannot Justly *assume* to itself a power to rule by extempore arbitrary decrees; but it is bound to see that Justice is dispensed, and that the rights of the subjects be decided, by promulgated, standing and known laws, and authorized *independent Judges;*" that is independent as far as possible of Prince or People. "*There shall be one rule of Justice for rich and poor; for the favorite in Court, and the Countryman at the Plough.*" †

Thirdly, The supreme power cannot Justly take from any man, any part of his property without his consent, in person or by his Representative.—

These are some of the first principles of natural law & Justice, and the great Barriers of all free states, and of the British Constitution in particular. It is utterly irreconcileable to these principles, and to many other fundamental maxims of the common law, common sense and reason, that a British house of commons, should have a right, at pleasure, to give and grant the property of the Colonists. That these Colonists are well entitled to all the essential rights, liberties and privileges of men and freemen, born in Britain, is manifest, not only from the Colony

* Locke on Government. Salus Populi Suprema Lex esto—
† Locke—

charter, in general, but acts of the British Parliament. The statute of the 13th of George 2. c. 7. naturalizes even foreigners after seven years residence. The words of the Massachusetts Charter are these, "And further our will and pleasure is, and we do hereby for us, our heirs and successors, grant establish and ordain, that all and every of the subjects of us, our heirs and successors, which shall go to and inhabit within our said province or territory and every of their children which shall happen to be born there, or on the seas in going thither, or returning from thence shall have and enjoy, all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs and successors, to all intents constructions & purposes whatsoever as if they and every of them were born within this our Realm of England." Now what liberty can there be, where property is taken away without consent? Can it be said with any colour of truth and Justice, that this Continent of three thousand miles in length, and of a breadth as yet unexplored, in which however, its supposed, there are five millions of people, has the least voice, vote or influence in the decisions of the British Parliament? Have they, all together, any more right or power to return a single number [1] to that house of commons, who have not inadvertently, but deliberately assumed a power to dispose of their lives, * Liberties and properties, then [2] to choose an Emperor of China! Had the Colonists a right to

[1] So printed. The draft and pamphlet edition read "member."

[2] So printed. The draft and pamphlet edition read "than."

* See the Act of the last Session, relating to the Kings Dock Yards—

return members to the british parliament, it would only be hurtfull; as from their local situation and circumstances it is impossible they should be ever truly and properly represented there. The inhabitants of this country in all probability in a few years will be more numerous, than those of Great Britain and Ireland together; yet it is absurdly expected by the promoters of the present measures, that these, with their posterity to all generations, should be easy while their property, shall be disposed of by a house of commons at three thousand miles distant from them; and who cannot be supposed to have the least care or concern for their real interest: Who have not only no natural care for their interest, but must be *in effect* bribed against it; as every burden they lay on the colonists is so much saved or gained to themselves. Hitherto many of the Colonists have been free from Quit Rents; but if the breath of a british house of commons can originate an act for taking away all our money, our lands will go next or be subject to rack rents from haughty and relentless landlords who will ride at ease, while we are trodden in the dirt. The Colonists have been branded with the odious names of traitors and rebels, only for complaining of their grievances; How long such treatment will, or ought to be born is submitted.

A List of Infringements & Violations of Rights

We cannot help thinking, that an enumeration of some of the most open infringments of our rights, will by every candid Person be Judged sufficient to Justify whatever measures have been already taken, or may be thought proper to be taken, in order to obtain a redress of the Grievances under which we labour.

Among many others we Humbly conceive, that the following will not fail to excite the attention of all who consider themselves interested in the happiness and freedom of mankind in general, and of this continent and province in particular.——

1st The British Parliament have assumed the power of legislation for the Colonists in all cases whatsoever, without obtaining the consent of the Inhabitants, which is ever essentially necessary to the right establishment of such a legislative——

2d They have exerted that assumed power, in raising a Revenue in the Colonies without their consent; thereby depriving them of that right which every man has to keep his own earnings in his own hands until he shall in person, or by his Representative, think fit to part with the whole or any portion of it. This infringement is the most extraordinary, when we consider the laudable care which the British House of Commons have taken to reserve intirely and absolutely to themselves the powers of giving and granting moneys. They not only insist on originating every money bill in their own house, but will not even allow the House of Lords to make an amendment in these bills. So tenacious are they of this privilege, so jealous of any infringement of the sole & absolute right the people have to dispose of their own money. And what renders this infringement the more grievous is, that what of our earnings still remains in our own hands is in a great measure deprived of its value, so long as the British Parliament continue to claim and exercise this power of taxing us; for we cannot Justly call that *our* property which *others* may, when they please take away from us against our will.——

In this respect we are treated with less decency and regard than the Romans shewed even to the Provinces which They had conquered. *They* only determined upon the sum which each should furnish, and left every Province to raise it in the manner most easy and convenient to themselves——

3d A number of new Officers, unknown in the Charter of this Province, have been appointed to superintend this Revenue, whereas by our Charter the Great & General Court or Assembly of this Province has the sole right of appointing all civil officers, excepting only such officers, the election and constitution of

whom is in said charter expressly excepted; among whom these Officers are not included.——

4th These Officers are by their Commission invested with powers altogether unconstitutional, and entirely destructive to that security which we have a right to enjoy; and to the last degree dangerous, not only to our property; but to our lives: For the Commissioners of his Majestys customs in America, or any three of them, are by their Commission impowered, "by writing under their hands and seales to constitute and appoint inferior Officers in all and singular the Port within the limits of their commissions" Each of these petty officers so made is intrusted with power more absolute and arbitrary than ought to be lodged in the hands of any man or body of men whatsoever; for in the commission aforementioned, his Majesty gives & grants unto his said Commissioners, or any three of them, and to all and every the Collectors Deputy Collectors, Ministers, Servants, and all other Officers serving and attending in all and every the Ports and other places within the limits of their Commission, full power and authority from time to time, at their and any of their wills and pleasures, as well By Night as by day to enter and go on board any Ship, Boat, or other Vessel, riding lying or being within, or coming into any Port, Harbour, Creek or Haven, within the limits of their commission; and also in the day time to go into any house, shop, cellar, or any other place where any goods wares or merchandizes lie concealed, or are *suspected* to lie concealed, whereof the customs & other duties, have not been, or shall not be, duly paid and truly satisfied, answered or paid unto the Collectors, Deputy Collectors, Ministers, Servants, and other Officers respectively, or otherwise agreed for; and the said house, shop, warehouse, cellar, and other place to search and survey, and all and every the boxes, trunks, chests and packs then and there found to break open."——

Thus our houses and even our bed chambers, are exposed to be ransacked, our boxes chests & trunks broke open ravaged and plundered by wretches, whom no prudent man would venture to employ even as menial servants; whenever they are pleased to say they *suspect* there are in the house wares &c for which the dutys have not been paid. Flagrant instances of the wanton exercise

of this power, have frequently happened in this and other sea port Towns. By this we are cut off from that domestick security which renders the lives of the most unhappy in some measure agreable. Those Officers may under colour of law and the cloak of a general warrant, break thro' the sacred rights of the *Domicil*, ransack mens houses, destroy their securities, carry off their property, and with little danger to themselves commit the most horred murders.——

And we complain of it as a further grievance, that notwithstanding by the Charter of this Province, the Governor and the Great and General Court or Assembly of this Province or Territory, for the time being shall have full power and authority, from time to time, to make, ordain and establish all manner of wholesome and reasonable laws, orders, statutes, and ordinances, directions and instructions, and that if the same shall not within the term of three years after presenting the same to his Majesty in privy council be disallowed, they shall be and continue in full force and effect, untill the same shall be repealed by the Great and General Assembly of this Province: Yet the Parliament of Great Britain have rendered or attempted to render, null and void a law of this Province made and passed in the Reign of his late Majesty George the first, intitled "An Act stating the Fees of the Custom-house Officers within this Province" and by meer dint of power, in violation of the Charter aforesaid, established other and exorbitant fees, for the same Officers; any law of the Province to the contrary notwithstanding.——

5th. Fleets and Armies have been introduced to support these unconstitutional Officers in collecting and managing this unconstitutional Revenue; and troops have been quarter'd in this Metropolis for that purpose. Introducing and quartering standing Armies in a free Country in times of peace without the consent of the people either by themselves or by their Representatives, is, and always has been deemed a violation of their rights as freemen; and of the Charter or Compact made between the King of Great Britain, and the People of this Province, whereby all the rights of British Subjects are confirmed to us.——

6th. The Revenue arising from this tax unconstitutionally laid, and committed to the management of persons arbitrarily ap-

pointed and supported by an armed force quartered in a free City, has been in part applyed to the most destructive purposes. It is absolutely necessary in a mixt government like that of this Province, that a due proportion or balance of power should be established among the several branches of legislative. Our Ancestors received from King William & Queen Mary a Charter by which it was understood by both parties in the contract, that such a proportion or balance was fixed; and therefore every thing which renders any one branch of the Legislative more independent of the other two than it was originally designed, is an alteration of the constitution as settled by the Charter; and as it has been untill the establishment of this Revenue, the constant practise of the General Assembly to provide for the support of Government, so it is an essential part of our constitution, as it is a necessary means of preserving an *equilibrium*, without which we cannot continue a free state.——

In particular it has always been held, that the dependence of the Governor of this Province upon the General Assembly for his support, was necessary for the preservation of this *equilibrium;* nevertheless his Majesty has been pleased to apply fifteen hundred pounds sterling annually out of the American revenue, for the support of the Governor of this Province independent of the Assembly, whereby the ancient connection between him and this people is weakened, the confidence in the Governor lessened and the equilibrium destroyed, and the constitution essentially altered.——

And we look upon it highly probable from the best intelligence we have been able to obtain, that not only our Governor and Lieuvetenant Governor, but the Judges of the Superior Court of Judicature, as also the Kings Attorney and Solicitor General are to receive their support from this Grievous tribute. This will if accomplished compleat our slavery. For if taxes are raised from us by the Parliament of Great Britain without our consent, and the men on whose opinions and decisions our properties liberties and lives, in a great measure depend, receive their support from the Revenues arising from these taxes, we cannot, when we think on the depravity of mankind, avoid looking with horror on the danger to which we are exposed? The British

Parliament have shewn their wisdom in making the Judges there as independent as possible both on the Prince and People, both for place and support: But our Judges hold their Commissions only during pleasure; the granting them salaries out of this Revenue is rendering them independent on the Crown for their support. The King upon his first accession to the Throne, for giving the last hand to the independency of the Judges in England, not only upon himself but his Successors by recommending and consenting to an act of Parliament, by which the Judges are continued in office, notwithstanding the demise of a King, which vacates all other Commissions, was applauded by the whole Nation. How alarming must it then be to the Inhabitants of this Province, to find so wide a difference made between the Subjects in Britain and America, as the rendering the Judges here altogether dependent on the Crown for their support.——

7th. We find ourselves greatly oppressed by Instructions sent to our Governor from the Court of Great Britain, whereby the first branch of our legislature is made merely a ministerial engine. And the Province has already felt such effects from these Instructions, as We think Justly intitle us to say that they threaten an entire destruction of our liberties, and must soon, if not checked, render every branch of our Government a useless burthen upon the people. We shall point out some of the alarming effects of these Instructions which have already taken place.——

In consequence of Instructions, the Governor has called and adjourned our General Assemblies to a place highly inconvenient to the Members and grately disadvantageous to the interest of the Province, even against his own declared intention——

In consequence of Instructions, the Assembly has been prorogued from time to time, when the important concerns of the Province required their Meeting——

In obedience to Instructions, the General Assembly was Anno 1768 dissolved by Governor Bernard, because they would not consent to *rescind* the resolution of a *former* house, and thereby sacrifise the rights of their constituents.——

By an Instruction, the honourable his Majesty Council are forbid to meet and transact matters of publick concern as a

Council of advice to the Governor, unless called by the Governor; and if they should from a zealous regard to the interest of the Province so meet at any time, the Governor is ordered to negative them at the next Election of Councellors. And although by the Charter of this Province the Great & General Court have full power and authority to impose taxes upon the estates and persons of all and every the proprietors and inhabitants of this Province, yet the Governor has been forbidden to give his consent to act imposing a tax for the necessary support of government, unless such persons as were pointed out In the said instruction, were exempted from paying their Just proportion of said tax——

His Excellency has also pleaded Instructions for giving up the provincial fortress, Castle William into the hands of troops, over whom he had declared he had no controul (and that at a time when they were menaceing the Slaughter of the Inhabitants of the Town, and our Streets were stained with the blood which they had barbariously shed) Thus our Governor, appointed and paid from Great Britain with money forced from us, is made an instrument of totally preventing or at least of rendering [futile], every attempt of the other two branches of the Legislative in favor of a distressed and wronged people: And least the complaints naturally occasioned by such oppression should excite compassion in the Royal breast, and induce his Majesty seriously to set about relieving us from the cruel bondage and insult which we his loyal Subjects have so long suffered, the Governor is forbidden to consent to the payment of an Agent to represent our grievances at the Court of Great Britain, unless he the Governor consent to his election, and we very well know what *the man must be* to whose appointment a Governor in such circumstances will consent——

While we are mentioning the infringement of the rights of this Colony in particular by means of Instructions, we cannot help calling to remembrance the late unexampled suspension of the legislative of a Sister Colony, *New York* by force of an Instruction, untill they should comply with an Arbitrary Act of the British Parliament for quartering troops, designed by military execution, to enforce the raising of a tribute.——

8th. The extending the power of the Courts of Vice Admirality to so enormous a degree as deprives the people in the Colonies in a great measure of their inestimable right to tryals by *Juries:* which has ever been Justly considered as the grand Bulwark and security of English property.

This alone is sufficient to rouse our jealousy: And we are again obliged to take notice of the remarkable contrast, which the British Parliament has been pleased to exhibit between the Subjects in Great Britain & the Colonies. In the same Statute, by which they give up to the decision of one dependent interested Judge of Admirality the estates and properties of the Colonists, they expressly guard the estates & properties of the people of Great Britain; for all forfeitures & penalties inflicted by the Statute of George the Third, or any other Act of Parliament relative to the trade of the Colonies, may be sued for in any Court of Admiralty in the Colonies; but all penalties and forfeitures which shall be incurred in Great Britain, may be sued for in any of his Majestys Courts of Record in Westminster or in the Court of Exchequer in Scotland, respectively. Thus our Birth Rights are taken from us; and that too with every mark of indignity, insult and contempt. We may be harrassed and dragged from one part of the Continent to the other (which some of our Brethren here and in the Country Towns already have been) and finally be deprived of our whole property, by the arbitrary determination of one biassed, capricious Judge of the Admirality.——

9th. The restraining us from erecting Stilling Mills for manufacturing our Iron the natural produce of this Country, Is an infringement of that right with which God and nature have invested us, to make use of our skill and industry in procuring the necessaries and conveniences of life. And we look upon the restraint laid upon the manufacture and transportation of Hatts to be altogether unreasonable and grievous. Although by the Charter all Havens Rivers, Ports, Waters, &c. are expressly granted the Inhabitants of the Province and their Successors, to their only proper use and behoof forever, yet the British Parliament passed an Act, whereby they restrain us from carrying our Wool, the produce of our own farms, even over a ferry; whereby

the Inhabitants have often been put to the expence of carrying a Bag of Wool near an hundred miles by land, when passing over a River or Water of one quarter of a mile, of which the Province are the absolute Proprietors, would have prevented all that trouble.——

10th. The Act passed in the last Session of the British Parliament, intitled, *An Act for the better preserving his Majestys Dock Yards, Magizines, Ships, Ammunition and Stores*, is, as we apprehend a violent infringement of our Rights. By this Act any one of us may be taken from his Family, and carried to any part of Great Britain, there to be tried whenever it shall be pretended that he has been concerned in burning or otherwise destroying any Boat or Vessel, or any Materials for building &c. any Naval or Victualling Store &c. belonging to his Majesty. For by this Act all Persons in the Realm, or in any of the places thereto belonging (under which denomination we know the Colonies are meant to be included) may be indicted and tryed either in any County or Shire within this Realm, in like manner and form as if the offence had been committed in said County, as his Majesty and his Successors may deem Most expedient. Thus we are not only deprived of our grand right to *tryal by our Peers in the Vicinity*, but any Person suspected, or pretended to be suspected, may be hurried to Great Britain, to take his tryal in any County the King or his Successors shall please to direct ; where, innocent or guilty he is in great danger of being condemned; and whether condemned or acquitted he will probably be ruined by the expense attending the tryal, and his long absence from his Family and business; and we have the strongest reason to apprehend that we shall soon experience the fatal effects of this Act, as about the year 1769 the British Parliament passed Resolves for taking up a number of Persons in the Colonies and carrying them to Great Britain for tryal, pretending that they were authorised so to do, by a Statute passed in the Reign of Henry the Eighth, in which they say the Colonies were included, although the Act was passed long before any Colonies were settled, or even in contemplation.——

11th. As our Ancestors came over to this Country that they might not only enjoy their civil but their religeous rights, and

particularly desired to be free from the Prelates, who in those times cruilly persecuted all who differed in sentiment from the established Church ; we cannot see without concern the various attempts, which have been made and are now making, to establish an American Episcopate. Our Episcopal Brethren of the Colonies do enjoy, and rightfully ought ever to enjoy, the free exercise of their religeon, we cannot help fearing that they who are are so warmly contending for such an establishment, have views altogether inconsistent with the universal and peaceful enjoyment of our christian privileges : And doing or attempting to do any thing which has even the remotest tendency to endanger this enjoyment, is Justly looked upon a great grievance, and also an infringement of our Rights, which is not barely to exercise, but peaceably & securely to enjoy, that liberty wherewith CHRIST has made us free.——

And we are further of Opinion, that no power on Earth can justly give either temporal or spiritual Jurisdiction within this Province, except the Great & General Court. We think therefore that every design for establishing the Jurisdiction of a Bishop in this Province, is a design both against our Civil and Religeous rights : And we are well informed, that the more candid and Judicious of our Brethren of the Church of England in this and the other Colonies, both Clergy and Laity, conceive of the establishing an American Episcopate both unnecessary and unreasonable.——

12th. Another Grievance under which we labour is the frequent alteration of the bounds of the Colonies by decisions before the King and Council, explanatory of former grants and Charters. This not only subjects Men to live under a constitution to which they have not consented, which in itself is a great Grievance ; but moreover under color, that the *right of Soil* is affected by such declarations, some Governors, or Ministers, or both in conjunction, have pretended to Grant in consequence of a Mandamus many thousands of Acres of Lands appropriated near a Century past ; and rendered valuable by the labors of the present Cultivators and their Ancestors. There are very notable instances of Setlers, who having first purchased the Soil of the Natives, have at eonsiderable expence obtained confermation of

title from this Province ; and on being transferred to the Jurisdiction of the Province of *New Hampshire* have been put to the trouble and cost of a new Grant or confermation from thence ; and after all this there has been a third declaration of Royal Will, that they should thence forth be considered as pertaining To the Province of *New York*. The troubles, expences and dangers which hundreds have been put to on such occasions, cannot here be recited ; but so much may be said, that they have been most cruelly harrassed, and even threatned with a military force, to dragoon them into a compliance, with the most unreasonable demands.

A Letter of Correspondence to the Other Towns.

BOSTON November 20: 1772

Gentlemen We the Freeholders and other Inhabitants of *Boston* in Town Meeting duly Assembled, according to Law, apprehending there is abundant to be alarmed at[1] the plan of *Despotism*, which the enemies of our invaluable rights have concerted, is rapidly hastening to a completion, can no longer conceal our impatience under a constant, unremitted, uniform aim to enslave us, or confide in an Administration which threatens us with certain and inevitable destruction. But, when in addition to the repeated inroads made upon the Rights and Liberties of the Colonists, and of those in this Province in particular, we reflect on the late extraordinary measure in affixing stipends or Salaries from the Crown to the Offices of the Judges of the Superior Court of Judicature, making them not only intirely independent of the people, whose lives and properties are so much in their power, but absolutely dependent on the Crown

[1] So printed. Corrected by Adams in the draft to read "that."

(which may hereafter, be worn by a *Tyrant*) both for their appointment and support, we cannot but be extremely alarmed at the mischievous tendency of this innovation; which in our opinion is directly contrary to the spirit of the British Constitution, pregnant with innumerable evils, and hath a direct tendency To deprive us of every thing valuable as Men, as Christians and as Subjects, entitled, by the Royal Charter, to all the Rights, liberties and privileges of native Britons. Such being the critical state of this Province, we think it our duty on this truly distressing occasion, to ask you, What can withstand the Attacks of mere power? What can preserve the liberties of the Subject, when the Barriers of the Constitution are taken away? The Town of Boston consulting on the matter above mentioned, thought proper to make application to the Governor by a Committee; requesting his Excellency to communicate such intelligence as he might have received relative to the report of the Judges having their support independent of the grants of this Province a Copy of which you have herewith in Paper N. 1.[1] To which we received as answer the Paper N. 2.[2] The Town on further deliberation, thought it advisable to refer the matter to the Great and General Assembly; and accordingly in a second address as N. 3[3] they requested his Excellency that the General

[1] Prepared by a committee consisting of Adams, Joseph Warren and Benjamin Church. The text is in *Boston Record Commissioners' Report*, vol. xviii., p. 89.

[2] The text is in *ibid.*, p. 90.

[3] Prepared by a committee consisting of Adams, James Otis and Thomas Cushing. The text is in *ibid.*, p. 91.

Court might Convene at the time to which they then stood prorogued; to which the Town received the reply as in N. 4.[1] in which we are acquainted with his intentions further to prorogue the General Assembly, which has since taken place. Thus Gentlemen it is evident his Excellency declines giving the least satisfaction as to the matter in request. The affair being of publick concernment, the Town of Boston thought it necessary to consult with their Brethren throughout the Province; and for this purpose appointed a Committee, to communicate with our fellow Sufferers, respecting this recent instance of oppression, as well as the many other violations of our Rights under which we have groaned for several Years past—This Committee have briefly Recapitulated the sense we have of our invaluable Rights as Men, as Christians, and as Subjects; and wherein we conceive those Rights to have been violated, which we are desirous may be laid before your Town, that the subject may be weighed as its importance requires, and the collected wisdom of the whole People, as far as possible, be obtained, on a deliberation of such great and lasting moment as to involve in it the fate of all our Posterity—Great pains has been taken to perswade the British Administration to think that the good People of this Province in general are quiet and undisturbed at the late measures; and that any uneasiness that appears, arises from a few factious designing and disaffected men. This renders it the more necessary, that the sense of the People should be explicitly declared.—A free communication of

[1] The text is in *ibid.*, p. 92.

your sentiments to this Town, of our common danger, is earnestly solicited and will be gratefully received. If you concur with us in opinion, that our Rights are properly stated, and that the several Acts of Parliament, and Measures of Administration, pointed out by us are subversive of these Rights, you will doubtless think it of the utmost importance that we stand firm as one man, to recover and support them; and to take such measures by directing our Representatives, or otherwise, as your wisdom and fortitude shall dictate, to rescue from impending ruin our happy and glorious constitution. But if it should be the general voice of this Province, that the Rights as we have stated them, do not belong to us; or that the several measures of Administration in the British Court, are no violations of these Rights, or that if they are thus violated or infringed, they are not worth contending for, or resolutely maintaining; —should this be the general voice of the Province, we must be resigned to our wretched fate; but shall forever lament the extinction of that generous ardor for Civil and Religeous liberty, which in the face of every danger, and even death itself, induced our fathers to forsake the bosom of their Native Country, and begin a settlement on bare Creation—But we trust this cannot be the case: We are sure your wisdom, your regard to yourselves and the rising Generation, cannot suffer you to dose, or set supinely indifferent on the brink of destruction, while the Iron hand of oppression is dayly tearing the choicest Fruit from the fair Tree of Liberty, planted by our worthy Predecessors, at the expence of their treasure, & abun-

dantly water'd with their blood—It is an observation of an eminent Patriot, that a People long inured to hardships, loose by degrees the very notions of liberty; they look upon themselves as Creatures *at mercy*, and that all impositions laid on by superior hands, are legal and obligatory.—But thank Heaven this is not yet verified in *America!* We have yet some share of publick virtue remaining: we are not afraid of poverty, but disdain slavery.—The fate of Nations is so Precarious and revolutions in States so often take place at an unexpected moment, when the hand of power by fraud or flattery, has secured every Avenue of retreat, and the minds of the Subject debased to its purpose, that it becomes every well wisher to his Country, while it has any remains of freedom, to keep an Eagle Eye upon every inovation and stretch of power, in those that have the rule over us. A recent instance of this we have in the late Revolutions in *Sweden*, by which the Prince once subject to the laws of the State, has been able of a sudden to declare himself an absolute Monarch The Sweeds were once a free, martial and valient people: Their minds are now so debaced, that they rejoice at being subject to the caprice and arbitrary power of a Tyrant & kiss their Chains. It makes us shudder to think, the late measures of Administration may be productive of the like Catastrophe; which Heaven forbid!—Let us consider Brethren, we are struggling for our best Birth Rights & Inheritance; which being infringed, renders all our blessings precarious in their enjoyments, and consequently trifling in their value. Let us disappoint the Men who are raising

themselves on the ruin of this Country. Let us convince every Invader of our freedom, that we will be as free as the Constitution our Fathers recognized, will Justify.——[1]

ARTICLE SIGNED "VINDEX."

[*Boston Gazette*, November 30, 1772.[2]]

MR. *A——N D——S.*

SIR,

The weakness of an adversary with a man of understanding will frequently disarm him of his resentment: Who would chuse to enter the lists, when even victory is attended with disgrace? A——n D——s as a Hockster of small Wares, within the Bar-room; or laudably vending Milk and Water, might have grubbed on unnoticed, and not superlatively contemptible; but when he so far mistakes his proper department, as to blunder into the field of politicks,

[1] The four papers mentioned in the "Letter of Correspondence" are included in the pamphlet edition of the three principal documents printed by order of the town for distribution among the other towns of the province. (Cf. *Boston Record Commissioners' Report*, vol. xviii., p. 94.) The title page of the pamphlet edition was as follows: *The Votes and Proceedings of the Freeholders and other Inhabitants of the Town of Boston, In Town Meeting Assembled, According to Law.* [*Published by Order of the Town.*] *To which is prefixed, as Introductory, An attested Copy of a Vote of the Town at a preceeding Meeting.* Boston: Printed by Edes and Gill, in Queen Street, and T. and J. Fleet, in Cornhill.

For a claim that the "Letter of Correspondence" was written by Benjamin Church, see R. Frothingham, *Life of Joseph Warren*, p. 206. As to the "Rights of the Colonists," see also W. V. Wells, *Life of Samuel Adams*, vol. i., p. 501. In addition to the complete draft, a preliminary draft, or outline of topics, of the "Rights" is in the Samuel Adams Papers.

[2] The following note by the publishers is printed with this article:

"Dr. *Young's* Letter to Mr. *Aaron Davis*, Jun. should have had a Place in this Day's Paper had we not been pre engaged with the following."

and assume a dictatorial and offensive part, we are compelled with reluctance to scourge the insect, tho' convinced 'tis but an insect still. We are informed by your *fellow townsman*, whom we presume must know you well, that you are destitute of feeling; your unexampled effrontery in the publick transaction which has unhappily brought you into notice, added to the consummate assurance evidenced in the stupid composition to which you have tacked your name, are strong circumstances in favour of this position: But is your modesty truly impregnable? cannot the weapon of stern rebuke arouse your sensibility? must honest indignation mourn a defeat? I intend to try the doubtful experiment, tho' you should analize a satyr to be a proof of your general consequence, and extract incense to your vanity from the blackest records of your shame.

In your courageous zeal for the cause of christianity, and the *Virgin Mary*, permit me to question your sincerity: It is evident from your notable performance, that you have been acquainted with the religious principles and immoral practices of the *gentleman* so very exceptionable to you; for some years past: That he was then as thorough-paced an *infidel*, as virulent an *opposer* of *our holy religion*, as he is now: That he was doing discredit to the *Bible* then, or to adopt your own phrase, was *undeceiving mankind* as actively as at any time since: That you was *acquainted* with the *open profanity* of *his conversation*, and if we may take your word for it, was an *earwitness* of his *oaths and execrations*: Why did you not commence a champion in the cause of christianity

some months earlier? It would have had a better appearance, if in your ebullient zeal you had endeavoured to prevent his disseminating such mischievous principles, and seasonably entered your caveat against the pernicious effects of his example. But *the cause of christianity* abstracted from *political concerns*, was not sufficient to awaken your resentment: Will not this my dear sir! occasion suspicions, that all your flaming professions of patriotism will neither discredit nor remove?

Doctor Young (I dare you to contradict me) has ever been an unwearied assertor of the rights of his countrymen: has taken the post of hazard, and acted vigorously in the cause of American freedom: Such endeavours and exertions, have justly entitled him to the notice, to the confidence of the people; they, from a thorough conviction of his political integrity have united him with several *gentlemen*, against whom we presume you can have no just exception, to explain their rights and state their grievances; was not your conscience so delicately offensible, I would ask such an *immaculate christian*, whether your ideas of *reprobation* extended not only to the *whole committee*, but to *every transaction* in which they could possibly be employed? If not, are you not ashamed of your capricious folly, in rejecting a cause which you profess to have at heart, for the sake of an individual, against whom, your spotless purity has matter of objection.

Shall I be arraigned for want of charity, if I here express my doubt of your veracity in this matter? The cloak of christianity is the threadbare garb of

hypocrisy; and novel cover for political apostates: I suspect 't is *the cause* that renders *the man* obnoxious; the *infidel* might have perverted the world, and your zeal been smothered in its native bosom of sanctity: in short, had not the *cause of liberty* found a busy *advocate* in the man you brand with *irreligion*, your abhorrence would probably never have found a tongue.

You do not chuse to have any thing to do with measures wherein you must follow the lead of such men as Dr. Young: I apprehend you confine yourself here to political matters; if so, what must those rejected measures be? if just, right and reasonable, the man must be an incorrigible blockhead to reject them, let them originate where they will: if on the contrary, they are improper and exceptionable; you might have discountenanced the measure, without villifying the man.

Inconsiderable and weak as I esteem you, you have still an interest in the constitutional claims of an English subject, equal to a nobleman, equal to an intelligent being: these you have no right to sacrifice even to your own predominant folly. You assert that you are, and ever have been as steady a friend to the rights and privileges of your country, as any man whatsoever, &c. what then is that exact point of difference, that chaste line of decorum, to which your love of your country will carry you, and no further? all those concerned in consulting and labouring for the redemption of their country, must be very exemplary christians, or your patriotism hangs so loosely about you, that your country may perish rather than

you will unite for its salvation, with a man not compleatly orthodox: *For no political measures can possibly be reasonable or just, which are not dictated by men of piety and real christianity*: The truth of this observation will appear with peculiar lustre, when we consider what a paultry figure, those antient heathenish states of Greece and Rome made in the primitive ages. You elsewhere shrewdly remark, *that it has always been astonishing to the world, how any important trusts came to be committed to Doctor Young; the best account that can be given for it,* YOU BELIEVE *is, that he has appeared ready to lead in such bold and exceptional measures, as rather savoured of faction, than boded any good to the public*: which is in plain English, that because the measures he proposed, were dangerous and exceptionable, Therefore the town approved and confided in him. To wave the illiberal slander upon the town; I question, most christian sir! whether *any article* of Doctor Young's CREED will shock decency and common sense more than this.

The present crisis is truly an alarming one to your country; the few friends of the people have abundant necessity to have their hands strengthened: the man who deserts now, is the worst enemy of his country: You sir! have done this, with the aggravated guilt of endeavouring to load with obloquy the cause you abandon—I scorn to keep terms with a man I esteem so base—You have provided yourself a Retreat, being assured of the smiles of power; nay more, you are entitled to their favour, for the rank injury you meant to the oppressed people; and we shall probably

see such *baseness* distinguished in the *commissioned* scroll of SCOUNDRELLS and RESCINDERS.

VINDEX.

TO ARTHUR LEE.

[R. H. Lee, *Life of Arthur Lee*, vol. ii., pp. 196, 197.]

BOSTON, Nov. 31st, 1772.

MY DEAR SIR,—My last letter to you was of the 3d inst. I now enclose the proceedings of this town at a meeting appointed to receive the report of the committee, which is attested by the town-clerk, and published by order of the town.

Our enemies are taking all imaginable pains to disparage the proceedings, and prevent their having any effect in the country. They are particularly endeavouring to have it believed, that the vote was carried at a very thin meeting; and in the Court Gazette of last week have had the assurance to say, that there were not more than twenty persons present, and that not ten voted for it; whereas it was much such a meeting, or rather fuller than the last. The town of Roxbury, adjacent to this, have met, and against the efforts of the whole cabal have raised a committee of nine persons to take our proceedings into consideration, and report at an adjournment; having before voted the independency of the judges, "*a most dangerous innovation.*" Plymouth, another large town, forty miles distant, has also met, but we have not yet heard what has been done there;[1] from the spirit of the petitions to their selectmen for a meeting, among the enclosed papers, I hope to send you an agreeable account. Other towns are in motion of their accord,

[1] See below, page 394.

for our pamphlet is not yet sent into the country towns, Roxbury excepted. The conspirators are very sensible that if our design succeeds, there will be an apparent union of sentiments among the people of this province, which may spread through the continent. You cannot then wonder that their utmost skill is employed to oppose it.

I intended to have sent my last by Capt. Scott, but having failed in that design, I herewith enclose it. I am disappointed if I do not receive a letter from you by every vessel that arrives here. Be assured that I am with great esteem sir, your humble servant,

TO ELBRIDGE GERRY.

[J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 22, 23.]

BOSTON, Dec. 7, 1772.

MY DEAR SIR,

I have just received your's of the 26th November,[1] and take the earliest opportunity to acknowledge it. I shall lay it before our committee as soon as may be. Hope you have had a happy meeting this day, and rest with esteem,

Sir, your friend,

Monday, 10 o'clock evening.

TO WILLIAM CHECKLEY.[2]

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Decr 14 1772

MY DEAR SR

I am at a Loss to determine in my own Mind whether a Letter from me will be agreable to you,

[1] J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 21, 22.

[2] Addressed, "in the Customs, Providence." Cf. *Literary Diary of Ezra Stiles*, vol. i., p. 58.

as I have not receivd a Line from you since I wrote my last several Months ago. If any Consideration has brot you to a Resolution no longer to keep up an Epistolary Conversation with me, I must on my part cease; but while I remember former Connections, I shall never forget the only surviving Branch of a Family I loved, and shall make my self as happy as possible, in silently wishing the best Welfare of him whose Regards I think I have not forfeited.

It is not an easy thing at this time of my Life, to put me out of the possession of my self. I have been used to the alternate Frowns & Smiles of many who call themselves, & some of them in truth are my Friends. I bear it all with Œquanimity, infinitely better pleasd with the Approbation of my own mind, than I should be with the flatteries of the Great, & in the Sunshine of power. Those who love this Country, I have the Vanity to think are in Reality, my friends; for they must be convincd that the small Share of Ability which Gracious Heaven has been pleasd to bestow on me, has ever been emploid for its Happiness. If I have mistaken its true Happiness (which by the Way I think I have not) it belongs to the Candid to overlook it; the Opinion of others I very little regard, & have a thorough Contempt for all men, be their Names Characters & Stations what they may, who appear to be the irreclaimable Enemies of Religion & Liberty. Had I not thought it would have been rather an Inconvenience to you, I should have sent you the last Week the Votes & proceedings of your native town; If I can be informd by you that it will not be dis-

agreable, I will send you a printed Copy by the next post.

Altho I have already transgressd the Bounds of a Letter to so great a Stranger, yet having a warm friendship for Mrs Checkley, I cannot help desiring you to make mention of my own & my family regards to her. Having said this I must beg you to believe, *whatever others may have whisperd to the Contrary*, that I am

Yours affectionately,

ARTICLE SIGNED "CANDIDUS."

[*Boston Gazette*, December 14, 1772.]

To the PRINTERS,

NOTWITHSTANDING the ministerial Tools have so often puff'd upon the Impartiality of the Court Gazette, we have had a second Instance of the Necessity the Selectmen of this Town have thought themselves under to vindicate the Cause of Liberty & Truth, from the gross Misrepresentation of well known Facts that have been made in that immaculate Paper. If Mr. Draper had had the least Inclination to have ascertained the Falsehood of the Paragraph inserted in his Paper of the 26th of November, it was so notorious, that without giving the Selectmen the Trouble of it, he might have done it himself, by enquiring of perhaps the first *honest* Man he had met in the Street: But it was calculated to mislead the Reader into a Belief, that "not ten Persons voted for sending the Letter of Correspondence" into the Country, and therefore it must, to answer *so good* a

Purpose, be inserted in that "circulating" Gazette, whether true or false; and the Publisher, very demurely, by Way of Atonement, after the Falsehood is detected, promises the injur'd Publick "to enquire into the Foundation of it."—!!!

In his last Gazette he informs his Readers that he had accordingly apply'd to his Author; who, he says, "does not deny the Number present" at the Meeting "as declared by the Selectmen when the first Vote pass'd." Now the Selectmen declare, "that a respectable Number of the Inhabitants attended the Meeting through the Day, and *when* the Letter, after being twice read and amended in the Meeting was voted, and *accepted to be sent*, it appeared to them, and they are well satisfied, that there was not less than three Hundred Inhabitants present, and in the Opinion of others the Number was much larger"; which is undoubtedly the Fact. But Mr. Draper's Author of the Note (if he had any) had said that "when the Votes pass'd *for sending the letter*, there *was* not twenty Men present besides the Gentlemen Selectmen & some of the Committee". The Contradiction appear'd so glaring even in Mr. Draper's eyes, as well as others, that after he had publish'd it to the World, he thought his own Reputation concern'd, as indeed it was, to enquire into the Foundation of the Report, which he ought to have done before. The Man of Verity his Author, makes a shift to tell him, that truly "it was a Vote that pass'd half an Hour after Nine o'Clock that *he meant* in his Note, when most of the Inhabitants had withdrawn"; but he does not now say what Vote he *meant* in his Note, though

when he reported it "with some Confidence" he plumply said it was the Vote for *sending the Letter*. The Man who is resolv'd to serve a Party at the expence of Truth, should have the best of Memories; the want of which has render'd the Court Writers oftentimes inconsistent with themselves and with each other. But what else are we to expect from Champions of a Cause which has only the feeble Props of Misrepresentation and low Artifice to support it! As this Author reported according to Draper with some *Confidence*, he ought to have inform'd himself of a known Fact, that the question debated at half an Hour after Nine o'Clock, as he now says, or at about Ten as he had asserted in his Note, was *not* whether the Letter *should be sent* to the Selectmen of the Towns in the Country;—That had been determin'd by a full Vote Nem. Con. before "most of the Inhabitants had withdrawn". It was after this Vote had pass'd, and when it is allow'd the Meeting was thin, a Question of much less Importance than the other was debated, viz. In *what Manner* the Letter should be sent; upon which it was agreed that the Town-Clerk should sign and forward it by the Direction of the Committee.[1] Accordingly, I am well assured, it has been forwarded to four fifths of the Gentlemen Selectmen in the Country, the representatives of the several Towns, the Members of his Majesty's Council and others of Note, by the Direction of the Committee, in Pursuance of the Vote of the Town, with less Expence for Carriage than two Dollars. I have a better Opinion of the good Sense of

[1] *Boston Record Commissioners' Report*, vol. xviii., p. 94.

the People of this Country, than to believe they will be diverted from an Attention to Matters which essentially concern their own and their Childrens best Birthrights, and which every Day become more serious and alarming, by the Trifles that are every Week thrown out perhaps with that very Design in the Court Gazette more especially. The Ax is laid at the Root of our happy civil Constitution: Our religious Rights are threatned: These important Matters are the Subjects of the Letter of this Town to our Friends and Fellow Sufferers in the Country. Whether there were present at the Meeting three Hundred or three Thousand, it was a *legal* Meeting: As legal as a Meeting of the General Assembly convened by the King's Writ or a Meeting of his Majesty's Council summoned by his Excellency the Governor: This I say with due respect to those great Assemblies. The Selectmen, among whom is the honorable Gentleman who was Moderator* of the Meeting, have condescended to publish it under their Hands, that "*a very respectable* Number attended the Meeting through the Day":—If it had been as *thin* a Meeting as Mr. Draper's Writers would fain have the Country think it was, still, being a legal Meeting, their proceedings according to the Warrant for calling it, would have been as legal as those of his Majesty's Council when seven Gentlemen *only* (which Number by the Charter constitutes a Quorum) out of their whole Number, Twenty-Eight, happen to be present. If the Generality of my Countrymen shall think those Proceedings to be of any Importance to

* John Hancock, Esq;

them, and shall act upon them with their own good Sense and Understanding, I care not who concern themselves in adjusting the private, moral or religious Characters of Dr. Young and the Lieutenant Governor. The part which each of these Gentlemen has acted upon the political Stage is well known.

I would just observe to Mr. Draper, that the Name of the Gentleman who furnish'd him with the Note before refer'd to, is perhaps not so deep a Secret as he may imagine it to be. It may be, he had then no thought that a Story *inadvertently* told, would have been immediately work'd up by the Press: This however has been done, and the Publick has been thereby abused: It should make one cautious not too suddenly to communicate any Piece of Intelligence, especially of Importance, and still more especially of political Importance, to one whose Business it is to publish what he hears. Mr. Draper may flatter himself that "the Credit of his Paper has not yet suffered": It is sometimes not an easy thing, to perswade a Man to believe that to be true, which he wishes may not be true: It must needs be difficult to establish in the minds of impartial Men, the Reputation of a Paper, the Publisher of which (to use the mild, very mild Expressions of the Selectmen) "has suffered", it may be said *repeatedly*, "what was *so different from the fact* to be inserted," before he "had Opportunity to be very particular in his Inquiries about it; especially as it was a Matter, by his own Concession, so interesting to the People in the Country, as that "they ought to be satisfied whether the Report be true or false". This, we hope, by the

Interposition of the Selectmen is now done; and it was the more necessary, because the same Gentleman who furnished Mr. Draper with the Note, as he calls it, had related the story which is now detected, to a Person going, and since gone into a distant Country in this Province.

Whether Mr. Draper in the Conclusion of what he inserted in his last, sign'd *the Printer*, had an Intention obliquely to reflect on the Honor of the Selectmen, those Gentlemen, if they please will consider.

CANDIDUS.

TO ELBRIDGE GERRY.

[J. T. Austin, *Life of Elbridge Gerry*, vol. i., pp. 23–25.]

BOSTON, Dec. 23, 1772.

MY DEAR SIR,

The further proceedings of the truly patriotic town of Marblehead, together with your own esteemed favours of the 16th and 21st instant, came to my hand in due season. The proceedings I immediately communicated to our chairman; and from your hint that it was thought proper to suspend the publication, together with assurances of letters from some other towns speedily, we agreed also to suspend the calling a meeting of our committee, which however will be done soon. Agreeably to the intimations in your last I find in the *Essex Gazette*[1] a,—what shall I call it? a disapprobation, to use their own term, signed by a *few* men, of the proceedings of a whole town. If

[1] Published at Salem, by S. and E. Hall.

"in fact there *was* but about twenty *persons* who voted at the meeting" and all the rest were against the measure, I wonder much that they did not follow the example of so eminent a person as the single dissentient and outvote you when they had it in their power. Or why could not the twenty-nine disapprobators have attended the meeting the second time and prevented your taking such measures from which they "are apprehensive the town will incur a great deal of public censure"? This would indeed have been meritorious. I am a stranger to most of the gentlemen who have thus signalized themselves; Mr. Mansfield I once thought a zealous whig, perhaps I was mistaken. After all, the whole seems to be but a weak effort; their third reason appears to me so excessively puerile, that I am surprised that gentlemen of character could deliberately set their hands to it.

Your last proceedings sent to us in manuscript are attested by the town clerk. I am sorry to observe that the printed copy in the *Essex Gazette* is without his attestation, because an advantage may be made of it in our Court Gazette to lessen its credit and authority; to prevent which I intend the next Monday's papers shall have it from the manuscript unless (which I cannot much expect) I shall be otherwise advised by you.

I was thinking that you might turn the tables upon your disapprobating friends, by getting a much larger subscription from persons who were not at the meeting and *approve* of the proceedings. Whether it be prudent or worth while to try this method you must certainly be a better judge than I am.

The tools of power, little and great, are taking unwearied pains to prevent the meeting of the towns, but they do not succeed altogether to their wishes. I cannot help entertaining some sanguine hopes that the measures we have pursued will have a happy event.

TO DARIUS SESSIONS.[1]

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Decr 28 1772

SIR

This day I had the Honor of receiving a Letter signd by yourself and other Gentlemen of Note in Providence. The Subject is weighty, & requires more of my Attention than a few Hours, to give you my digested Sentiments of it; neither have I yet had an Opportunity of advising with *the few* among my Acquaintances, whom I would chuse to consult upon a Matter, which in my Opinion may involve the Fate of America. This, I intend soon to do; and shall

[1] Of Providence, R. I. Under date of December 25, 1772, Deputy Governor Sessions, Chief Justice Stephen Hopkins, John Cole, and Moses Brown had written to Adams with reference to the *Gaspée* affair and to Lord Dartmouth's letter to the Governor of Rhode Island of September 4, 1772. A copy is in S. A. Wells, *Samuel Adams and the American Revolution*, vol. i., pp. 363–365. A copy of a letter, under date of February 15, 1773, from Sessions, Hopkins, Cole, and Brown to Adams, acknowledging the receipt of three letters from Adams in response to their letter of December 25, 1772, is in *ibid.*, pp. 370, 371. In this letter to Adams his correspondents comment as follows: "At or about the time we wrote you, we transmitted copies of the same to several gentlemen in North America, from the most of whom we have received answers, agreeing nearly in sentiments, with those you were pleased to communicate to us; though no one has entered into a disquisition of the subject so fully and satisfactorily as you have." The original letter is also in the Lenox Library.

then, I hope, be able to communicate to you (before the Time you have set shall expire) such Thoughts, as in your Judgment, may perhaps be wise and salutary on so pressing an Occasion. Thus much however seems to me to be obvious at first View; that the whole Act of Parliament so far as it relates to the Colonies, & consequently the Commission which is founded upon it, is against the first Principles of Government and the English Constitution, Magna Charta & many other Acts of Parliament, declaratory of the Rights of the Subject; & therefore the Guardians of the Rights of the Subject will consider whether it be not their Duty, so far from giving the least Countenance to the Execution of it, to declare it, ipso Facto null & Void. This Commission seems to be substituted in the Room of a Grand Jury, which is one of the greatest Bulwarks of the Liberty of the Subject; instituted for the very Purpose of prevent ing Mischeife being done by false Accusers. By the Act of Parliament of the 25th of Ed. 3^{d} (in the true Sense of the Words *the best of Kings*) it is establishd, that none shall be taken by Suggestion made to the King or his Council (which seems to me to be the present Point) unless it be by Indictment or Presentment of good & lawful People of the same Neighbourhood, where such Deeds be done — And, "if any thing be done against the same it shall be redressd & holden for none." But certain Persons proscribd in the Colony of Rhode Island, are to be taken without such Indictment or Presentment, & carried away from the Neighborhood where Deeds unlawful are suggested to the King to have been

committed, & there put to answer contrary to that Law, which even so long ago was held to be *the old* Law of the Land.———One Reason given in the Act for taking away that accursed Court called the Star Chamber was, because all Matters examinable & determinable before that Court might have their due Punishment and Correction by the Common Law of the Land and in the ordinary Course of Justice elsewhere. But here seems to be a stopping of the ordinary Course of Justice; & by setting up a Court of Enquiry founded upon a Suggestion of evil Deeds made to the King & of certain Persons supposd to be concernd therein, Jurisdiction is given to others than the constituted ordinary Courts of Justice, & in a Way other than the ordinary Course of the Law, that is, an arbitrary Way to examine & draw into Question Matters & things which, by the Act for regulating the privy Council it is declared, that neither his Majesty nor his privy Council have or ought to have any Jurisdiction Power or Authority to do. In short, this Measure appears to me to be repugnant to the first Principles of natural Justice. The interrested Servants of the Crown, and some of them pensiond, perhaps byassd & corrupted being the constituted Judges, whether this or that Subject shall be put to answer for a supposd Offence against the Crown, & that in a distant Country, to their great Detriment & Danger of Life & Fortune, even if their Innocence sh^{d} be made to appear. What Man is safe from the malicious Prosecution of such Persons, unless it be the cringing Sycophant, and even he holds his Life and Property at their Mercy. It should

awaken the American Colonies, which have been too long dozing upon the Brink of Ruin. It should again unite them in one Band. Had that Union which once happily subsisted been preservd, the Conspirators against our Common Rights would never have venturd such bold Attempts. It has ever been my Opinion, that an Attack upon the Liberties of one Colony is an Attack upon the Liberties of all; and therefore in this Instance all should be ready to yield Assistance to Rhode Island. But an Answer to the most material Part of your Letter must be referd, for the Reasons I have given, to another Opportunity. In the mean time I am with due Regards to the Gentlemen who have honord me with their Letter

Your assured Friend & very hbl Servt

THE COMMITTEE OF CORRESPONDENCE OF BOSTON TO THE COMMITTEE OF CORRESPONDENCE OF CAMBRIDGE.[1]

[MS., Committee of Correspondence Papers, Lenox Library.]

Boston Decr 29 1772

Gentlemen

Your cordial Approbation[2] of our sincere Endeavors for the Common Safety, affords us great Encouragement to persevere with Alacrity in the Execution of our Trust. Our hands have been abundantly strengthend by the generous and manly Resolves of our worthy Brethren in the several

[1] Addressed to "Capt Ebenezer Stedman & others, a Committee of Correspondence in Cambridge."

[2] *Boston Gazette*, December 28, 1772.

Towns who have hitherto acted. Should such Sentiments, which we are convincd generally prevail through the province, be as generally expressd, it must refute the insidious misrepresentation so industriously propagated on both sides of the Atlantick, *that the people have not Virtue enough to resist the Efforts made to enslave them!* It affords us the greatest Satisfaction to find the Opportunity offerd to our Fellow Countrymen to wipe off so ignominious a Reproach so readily embraced. We trust in God, & in the Smiles of Heaven on the Justice of our Cause, that a Day is hastening, when the Efforts of the Colonists will be crownd with Success; and the present Generation furnish an Example of publick Virtue, worthy the Imitation of all Posterity. In this we are greatly encouraged, from the thorough Understanding of our civil & Religious Rights Liberties & Privileges, throughout this province: The Importance of which is so obvious, that we are satisfied, nothing we can offer, would strengthen your Sense of it.

It gives us Pleasure to be assured from you, that the meetings of the Town of Cambridge on the Occasion have been so respectable; as, in our Opinion, it is an Evidence of their virtuous Attachment to the Cause of Liberty.

It shall be our constant Endeavor to collect and communicate to our esteemed fellow Countrymen every Interresting Information we can procure; in pursuance thereof we take the Liberty to inclose, a material Extract of a Letter from the Right Honorable the Earl of Dartmouth to his Honor the

Governor of Rhode Island, Dated White Hall, Sept. 7 1772; which we have good reason to assure you is genuine.[1]

THE COMMITTEE OF CORRESPONDENCE OF BOSTON TO THE COMMITTEE OF CORRESPONDENCE OF PLYMOUTH.[2]

[MS., Committee of Correspondence Papers, Lenox Library.]

BOSTON Decr 29 1772

MUCH RESPECTED GENTLEMEN

We the Committee of Correspondence for the Town of Boston, have receivd your kind Letters inclosing the noble & patriotick Resolves of the Metropolis of the ancient Colony of Plymouth.

It must give singular Pleasure to the friends of this Country to find in all times of Difficulty & Danger, the worthy Inhabitants of Plymouth, [are] ready to assert the natural religious & civil Rights of the Colonists in general & of this by a new Charter united province in particular.

Your thorough knowledge of those Rights the Sense you have of the many late Infractions thereof, the manly & becoming Spirit with which you have always expressd your selves on such Occasions, must best appear without any Comment, from your Resolves for a number of years past; more especially your last which are before the publick Eye.

We heartily congratulate you on the return of that

[1] The form of signature is: "Signd by order of the Committee for Correspondence in Boston William Cooper, Clerk."

[2] Addressed to "Joseph Warren Esq & others a Committee of Correspondence for the Town of Plymouth."

great Anniversary, the landing of the first Settlers at Plymouth, & on the religious & respectful Manner, in which it has been celebrated.

You may say without Vanity, and surely we may affirm without any such Imputation, that a handful of persecuted brave people, then made way for the extensive Settlement of New England : That had it not been for their Efforts, Virginia would have soon been abandoned : That the French who were then settled at Quebec ; & the Dutch interloping in Hudsons River with the Assistance they might have derived from the Natives, and the Aid at all times ready to be afforded, by the Crown of Spain, then in possession of South America, against the Crown of England, would have availd themselves of all the Continent of North America. And that at this very period Great Britain might have thought herself well off, with such trifling Islands as are now in the possession of the Dane.

In pursuance of our Instruction from this Town to communicate any new Infractions of our Rights & Liberties we inclose an Extract of a Letter from Lord Dartmouth to the Governor of Rhode Island & shall take the earliest Opportunity to advise you of every thing Important that may occur to us.

TO DARIUS SESSIONS.

[MS., Samuel Adams Papers, Lenox Library.]

BOSTON Jan 2 1773.

SIR,

I wrote you on Monday last acknowledging the Receipt of a Letter directed to me from your self &

other worthy Gentlemen in Providence. The Question proposed was *in what manner your Colony had best behave in this critical Situation & how the Shock that is coming upon it may be best evaded or sustaind.* It appears to me probable that the Administration has a design to get your Charter vacated. The Execution of so extraordinary a Commission, unknown in your Charter & abhorrent to the principles of every free Government, wherein Persons are appointed to enquire into Offences committed against a Law of *another* Legislature, with the Power of transporting the persons they shall suspect beyond the Seas to be tryed, would essentially change your Constitution; and a Silence under such a Change would be construed a Submission to it. At the same time it must be considerd that an open declaration of the Assembly against the Appointment & order of the King, in which he is supported by an Act of the British Parliament, would be construed by the *Law Servants* of the Crown & other ministers such a Defiance of the Royal Authority, as they would advise proper to be recommended to the Consideration & Decision of Parliament. Should your Governor refuse to call the Commissioners together, or when called together, the civil magistrates refuse to take measures for arresting & committing to Custody such persons as upon Information made shall be chargd with being concernd in burning the Gaspee, or if they should issue their precepts for that purpose the Officers should refuse to execute them, the Event would be perhaps the same as in the Case of an open Declaration before mentiond, for in all these Cases it

would be represented to the King & the parliament that it was to be attributed to what they will call the overbearing popularity of your Government, & the same pretence would be urgd for the Necessity of an Alteration in order to support the Kings Authority in the Colony. As the chiefe Object in the View of Administration seems to be the vacating your Charter, I cannot think the Commissioners in case they should meet together, would upon any of the aforementiond Occasions, chuse to call upon General Gage for the Aid of the Troops or make any more than the Shew of a Readiness to execute their Commission; for they might think the grand purpose would be sufficiently answerd without their Discussing such danger to their Reputation, if not their persons. If the foregoing Hypotheses are well grounded, I think it may be justly concluded that since the Constitution is already destined to suffer unavoidable Dissolution, an open & manly Determination of the Assembly not to consent to its ruin would show to the World & posterity that the people were virtuous though unfortunate, & *sustaind the Shock* with Dignity.

You will allow me to observe, that this is a Matter in which the whole American Continent is deeply concernd and a Submission of the Colony of Rhode Island to this enormous Claim of power would be made a Precedent for all the rest; they ought indeed to consider deeply their Interest in the Struggle of a single Colony & their Duty to afford her all practicable Aid. This last is a Consideration which I shall not fail to mention to my particular friends when our Assembly shall sit the next Week.

Should it be the determination of a weak Administration to push this Measure to the utmost at all Events, and the Commissioners call in the Aid of troops for that purpose it would be impossible for me to say what might be the Consequence, Perhaps a most violent political Earthquake through the whole British Empire if not its total Destruction.

I have long feard that this unhappy Contest between Britain & America will end in Rivers of Blood; Should that be the Case, America I think may wash her hands in Innocence; yet it is the highest prudence to prevent if possible so dreadful a Calamity. Some such provocation as is now offerd to Rhode Island will in all probability be the immediate Occasion of it. Let us therefore consider whether in the present Case the Shock that is coming upon you may not be *evaded* which is a distinct part of the Question proposed. For this purpose, if your Governor should omit to call the Commissioners together, in Consequence of a representation made to him by the Assembly, that the Innovation appears to them of a most dangerous Tendency; and altogether needless, inasmuch as the same Enquiry might be made as effectually (and doubtless would be) by a Grand Jury, as is proposed to be made by the Commissioners; which would be agreable to the Constitution & in the ordinary Course of Justice. A representation of this kind made by the Assembly to the Governor, would afford him a reasonable plea for suspending the Matter till he could fully state the Matter to Lord Dartmouth & the odious light in which the Commission is viewd by that & the other Colonies as a measure in-

compatible with the English Constitution & the Rights of the Colonists together with the fatal Consequences of which it might probably be productive. This perhaps could not be done till the rising of Parliament, & before the next Session a war or some other important Event might take place which would bury this Affair in Oblivion. Or if it should ever come before Parliament in this Manner, the Delay on the part of the Governor would appear to be made upon motives of sound prudence & the best Advice which would tend tô soften their Spirits. And besides, its appearing to be founded not directly on the principles of Opposition to the Authority of Parliament, the sacred Importance of Charters upon which many of the Members hold their Seats, might be considerd without prejudice, & the Matter might subside even in Parliament. Should that be the Case it would disappoint the designs & naturally abate the Rigour of Administration & so the Shock might be evaded.

If, without being called together by Governor Wanton who is first named, the rest of the Commissioners should meet upon the Business of their Commission, which I cannot suppose they will do, especially if the Governor should acquaint them with the Reason of his not calling them, it would show a forward Zeal to execute an order new arbitrary & universally odious, & how far that might justly insence the people against them personally, & lessen them in the Esteem of all judicious Men, they would do well calmly to consider; and how far also they would be answerable for the fatal Effects that might follow such a forwardness all the world and Posterity

will judge: For such an Event as this will assuredly go down to future Ages in the page of History, & the Colony & all concernd in it will be characterizd by the part they shall act in the Tragedy. Upon the whole it is my humble Opinion, that the grand Purpose of Administration is either to intimidate the Colony into a Compliance with a Measure destructive of the freedom of their Constitution, or to provoke them to such a Step as shall give a pretext for the Vacation of their Charter which I should think must sound like Thunder in the Ears of Connecticutt especially. Whatever Measures the Wisdom of your Assembly may fix upon to *evade* the impending Stroke, I hope nothing will be done which may by the Invention of our Adversarys, be construed as even the Appearance of an Acquiescence in so grasping an Act of Tyranny.

Thus I have freely given my Sentiments upon the Question proposed; which I should not have venturd to do had it not been requested. I have done it with the greatest Diffidence because I think I am fully sensible of my Inability to enter into a Question of so delicate a Nature & great Importance especially as I have not had that opportunity to consult my friends which I promisd my self. I hope the Assembly of Rhode Island will in their Conduct exhibit an Example of true Wisdom Fortitude & Perseverance. And with the greatest Respect to the Gentlemen to whose superior Understanding this and my former Letter to you is submitted, I remain

Sir

Your assured friend
& humble servant

P.S. I beg just to propose for Consideration whether a circular Let^r^ from your Assembly on this Occasion, to those of the other Colonies might not tend to the Advantage of the General Cause & of R Island in particular; I should think it would induce each of them, at least to injoyn their Agents in Great Britain to represent the Severity of your Case in the strongest terms.

To the Hon Darius Sessions Esqr
to be communicated

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR. JANUARY 26, 1773.[1]

[*Massachusetts State Papers*, pp. 351-364; also printed in the *Boston Gazette*, February 1, 1773, and in *The Speeches of His Excellency Governor Hutchinson* (Boston, 1773), pp. 33-58.]

May it please your Excellency,

Your Excellency's speech to the General Assembly, at the opening of this session,[2] has been read with great attention in this House.

We fully agree with your Excellency, that our own happiness, as well as his Majesty's service, very much depends upon peace and order; and we shall at all times take such measures as are consistent with our constitution, and the rights of the people, to promote

[1] Adams was a member of the committee appointed by the House on January 8 to prepare this answer, and also a member of the committee appointed January 26 to present the answer to the Governor.

Concerning the authorship of the answer, see W. V. Wells, *Life of Samuel Adams*, vol. ii., p. 31, and R. Frothingham, *Life of Joseph Warren*, p. 223. For a claim adverse to the authorship of Samuel Adams, see W. Tudor, *Life of James Otis*, p. 411. See also below, pages 430, 431.

[2] *Massachusetts State Papers*, pp. 336-342.

and maintain them. That the government at present is in a very disturbed state, is apparent. But we cannot ascribe it to the people's having adopted unconstitutional principles, which seems to be the cause assigned for it by your Excellency. It appears to us, to have been occasioned rather by the British House of Commons assuming and exercising a power inconsistent with the freedom of the constitution, to give and grant the property of the colonists, and appropriate the same without their consent.

It is needless for us to inquire what were the principles that induced the councils of the nation to so new and unprecedented a measure. But, when the Parliament, by an act of their own, expressly declared, that the King, Lords, and Commons, of the nation "have, and of right ought to have full power and authority to make laws and statutes of sufficient force and validity, to bind the colonies and people of America, subjects of the Crown of Great Britain, in all cases whatever," and in consequence hereof, another revenue act was made, the minds of the people were filled with anxiety, and they were justly alarmed with apprehensions of the total extinction of their liberties.

The result of the free inquiries of many persons, into the right of the Parliament, to exercise such a power over the colonies, seems, in your Excellency's opinion, to be the cause, of what you are pleased to call the present "disturbed state of the government;" upon which, you "may not any longer, consistent with your duty to the King, and your regard to the interest of the province, delay communicating your sentiments."

But that the principles adopted in consequence hereof, are unconstitutional, is a subject of inquiry. We know of no such disorders arising therefrom, as are mentioned by your Excellency. If Grand Jurors have not, on their oaths, found such offences, as your Excellency, with the advice of his Majesty's Council, have ordered to be prosecuted, it is to be presumed, they have followed the dictates of good conscience. They are the constitutional judges of these matters, and it is not to be supposed, that moved from corrupt principles, they have suffered offenders to escape a prosecution, and thus supported and encouraged them to go on offending. If any part of authority shall, in an unconstitutional manner, interpose in any matter, it will be no wonder if it be brought into contempt; to the lessening or confounding of that subordination, which is necessary to a well regulated state. Your Excellency's representation that the bands of government are weakened, we humbly conceive to be without good grounds; though we must own, the heavy burdens unconstitutionally brought upon the people, have been, and still are universally, and very justly complained of, as a grievance.

You are pleased to say, that, "when our predecessors first took possession of this plantation, or colony, under a grant and charter from the Crown of England, it was their sense, and it was the sense of the kingdom, that they were to remain subject to the supreme authority of Parliament;" whereby we understand your Excellency to mean, in the sense of the declaratory act of Parliament afore mentioned, in all cases whatever. And, indeed, it is difficult, if

possible, to draw a line of distinction between the universal authority of Parliament over the colonies, and no authority at all. It is, therefore, necessary for us to inquire how it appears, for your Excellency has not shown it to us, that when, or at the time that our predecessors took possession of this plantation, or colony, under a grant and charter from the Crown of England, it was their sense, and the sense of the kingdom, that they were to remain subject to the authority of Parliament. In making this inquiry, we shall, according to your Excellency's recommendation, treat the subject with calmness and candor, and also with a due regard to truth.

Previous to a direct consideration of the charter granted to the province or colony, and the better to elucidate the true sense and meaning of it, we would take a view of the state of the English North American continent at the time, when, and after possession was first taken of any part of it, by the Europeans. It was then possessed by heathen and barbarous people, who had, nevertheless, all that right to the soil, and sovereignty in and over the lands they possessed, which God had originally given to man. Whether their being heathen, inferred any right or authority to christian princes, a right which had long been assumed by the Pope, to dispose of their lands to others, we will leave your Excellency, or any one of understanding and impartial judgment, to consider. It is certain, they had in no other sense, forfeited them to any power in Europe. Should the doctrine be admitted, that the discovery of lands owned and possessed by pagan people, gives to any christian

prince a right and title to the dominion and property, still it is vested in the Crown alone. It was an acquisition of foreign territory, not annexed to the realm of England, and, therefore, at the absolute disposal of the Crown. For we take it to be a settled point, that the King has a constitutional prerogative, to dispose of and alienate, any part of his territories not annexed to the realm. In exercise of this prerogative, Queen Elizabeth granted the first American charter; and, claiming a right by virtue of discovery, then supposed to be valid, to the lands which are now possessed by the colony of Virginia, she conveyed to Sir Walter Rawleigh, the property, dominion, and sovereignty thereof, to be held of the Crown, by homage, and a certain render, without any reservation to herself, of any share in the Legislative and Executive authority. After the attainder of Sir Walter, King James the I. created two Virginian companies, to be governed each by laws, transmitted to them by his Majesty, and not by the Parliament, with power to establish, and cause to be made, a coin to pass current among them; and vested with all liberties, franchises and immunities, within any of his other dominions, to all intents and purposes, as if they had been abiding and born within the realm. A declaration similar to this, is contained in the first charter of this colony, and in those of other American colonies, which shows that the colonies were not intended, or considered to be within the realm of England, though within the allegiance of the English Crown. After this, another charter was granted by the same King James, to the Treasurer and Company of Virginia,

vesting them with full power and authority, to make, ordain, and establish, all manner of orders, laws, directions, instructions, forms and ceremonies of governments, and magistracy, fit and necessary, and the same to abrogate, &c. without any reservation for securing their subjection to Parliament, and future laws of England. A third charter was afterwards granted by the same King, to the Treasurer and Company of Virginia, vesting them with full power and authority to make laws, with an addition of this clause, "so, always, that the same be not contrary to the laws and statutes of this our realm of England." The same clause was afterwards copied into the charter of this and other colonies, with certain variations, such as, that these laws should be "consonant to reason," "not repugnant to the laws of England," "as nearly as conveniently may be to the laws, statutes and rights of England," &c. These modes of expression, convey the same meaning, and serve to show an intention, that the laws of the colonies should be as much as possible, conformable in the spirit of them, to the principles and fundamental laws of the English constitution, its rights and statutes then in being, and by no means to bind the colonies to a subjection to the supreme authority of the English Parliament. And that this is the true intention, we think it further evident from this consideration, that no acts of any colony Legislative, are ever brought into Parliament for inspection there, though the laws made in some of them, like the acts of the British Parliament, are laid before the King for his dissent or allowance.

We have brought the first American charters into

view, and the state of the country when they were granted, to show, that the right of disposing of the lands was, in the opinion of those times, vested solely in the Crown; that the several charters conveyed to the grantees, who should settle upon the territories therein granted, all the powers necessary to constitute them free and distinct states; and that the fundamental laws of the English constitution should be the certain and established rule of legislation, to which, the laws to be made in the several colonies, were to be, as nearly as conveniently might be, conformable, or similar, which was the true intent and import of the words, "not repugnant to the laws of England," "consonant to reason," and other variant expressions in the different charters. And we would add, that the King, in some of the charters, reserves the right to judge of the consonance and similarity of their laws with the English constitution, to himself, and not to the Parliament; and, in consequence thereof, to affirm, or within a limited time, disallow them.

These charters, as well as that afterwards granted to Lord Baltimore, and other charters, are repugnant to the idea of Parliamentary authority; and, to suppose a Parliamentary authority over the colonies, under such charters, would necessarily induce that solecism in politics, *imperium in imperio*. And the King's repeatedly exercising the prerogative of disposing of the American territory by such charters, together with the silence of the nation thereupon, is an evidence that it was an acknowledged prerogative.

But, further to show the sense of the English

Crown and nation, that the American colonists, and our predecessors in particular, when they first took possession of this country, by a grant and charter from the Crown, did not remain subject to the supreme authority of Parliament, we beg leave to observe, that when a bill was offered by the two Houses of Parliament to King Charles the I. granting to the subjects of England, the free liberty of fishing on the coast of America, he refused his royal assent, declaring as a reason, that "the colonies were without the realm and jurisdiction of Parliament."

In like manner, his predecessor, James the I. had before declared, upon a similar occasion, that "America was not annexed to the realm, and it was not fitting that Parliament should make laws for those countries." This reason was, not secretly, but openly declared in Parliament. If, then, the colonies were not annexed to the realm, at the time when their charters were granted, they never could afterwards, without their own special consent, which has never since been had, or even asked. If they are not now annexed to the realm, they are not a part of the kingdom, and consequently not subject to the Legislative authority of the kingdom. For no country, by the common law, was subject to the laws or to the Parliament, but the realm of England.

We would, if your Excellency pleases, subjoin an instance of conduct in King Charles the II. singular indeed, but important to our purpose, who, in 1769, framed an act for a permanent revenue for the support of Virginia, and sent it there by Lord Culpepper, the Governor of that colony, which was afterwards

passed into a law, and "enacted by the King's most excellent Majesty, by, and with the consent of the General Assembly of Virginia." If the King had judged the colony to be a part of the realm, he would not, nor could he, consistently with Magna Charta, have placed himself at the head of, and joined with any Legislative body in making a law to tax the people there, other than the Lords and Commons of England.

Having taken a view of the several charters of the first colony in America, if we look into the old charter of this colony, we shall find it to be grounded on the same principle; that the right of disposing the territory granted therein, was vested in the Crown, as being that Christian Sovereign who first discovered it, when in the possession of heathens; and that it was considered as being not within the realm, but being only within the Fee and Seignory of the King. As, therefore, it was without the realm of England, must not the King, if he had designed that the Parliament should have any authority over it, have made special reservation for that purpose, which was not done?

Your Excellency says, "it appears from the charter itself, to have been the sense of our predecessors, who first took possession of this plantation, or colony, that they were to remain subject to the authority of Parliament." You have not been pleased to point out to us, how this appears from the charter, unless it be in the observation you make on the above mentioned clause, viz.: "that a favorable construction has been put upon this clause, when it has been allowed to intend such laws of England only, as are expressly

made to respect us," which you say, "is by charter, a reserve of power and authority to Parliament, to bind us by such laws, at least, as are made expressly to refer to us, and consequently is a limitation of the power given to the General Court." But, we would still recur to the charter itself, and ask your Excellency, how this appears, from thence, to have been the sense of our predecessors? Is any reservation of power and authority to Parliament thus to bind us, expressed or implied in the charter? It is evident, that King Charles the I. the very Prince who granted it, as well as his predecessor, had no such idea of the supreme authority of Parliament over the colony, from their declarations before recited. Your Excellency will then allow us, further to ask, by what authority, in reason or equity, the Parliament can enforce a construction so unfavorable to us. *Quod ab initio injustum est, nullum potest habere juris effectum*, said Grotius. Which, with submission to your Excellency, may be rendered thus: whatever is originally in its nature wrong, can never be *sanctified*, or made right by *repetition* and use.

In solemn agreements, subsequent restrictions ought never to be allowed. The celebrated author, whom your Excellency has quoted, tells us, that, "neither the one or the other of the interested, or contracting powers, hath a right to interpret at pleasure." This we mention, to show, even upon a supposition, that the Parliament had been a party to the contract, the invalidity of any of its subsequent acts, to explain any clause in the charter; more especially to restrict or make void any clause granted therein to

the General Court. An agreement ought to be interpreted "in such a manner as that it may have its effect." But, if your Excellency's interpretation of this clause is just, "that it is a reserve of power and authority to Parliament to bind us by such laws as are made expressly to refer to us," it is not only "a limitation of the power given to the General Court" to legislate, but it may, whenever the Parliament shall think fit, render it of no effect; for it puts it in the power of Parliament, to bind us by as many laws as they please, and even to restrain us from making any laws at all. If your Excellency's assertions in this, and the next succeeding part of your speech, were well grounded, the conclusion would be undeniable, that the charter, even in this clause, "does not confer or reserve any liberties," worth enjoying, "but what would have been enjoyed without it;" saving that, within any of his Majesty's dominions, we are to be considered barely as not aliens. You are pleased to say, it cannot "be contended, that by the liberties of free and natural subjects," (which are expressly granted in the charter, to all intents, purposes and constructions, whatever,) "is to be understood, an exemption from acts of Parliament, because not represented there; seeing it is provided by the same charter, that such acts shall be in force." If, says an eminent lawyer, "the King grants to the town of D. the same liberties which London has, this shall be intended the like liberties." A grant of the liberties of free and natural subjects, is equivalent to a grant of the same liberties. And the King, in the first charter to this colony, expressly grants, that it "shall be construed,

reputed and adjudged in all cases, most favorably on the behalf and for the benefit and behoof of the said Governor and Company, and their successors—any matter, cause or thing, whatsover, to the contrary notwithstanding." It is one of the liberties of free and natural subjects, born and abiding within the realm, to be governed, as your Excellency observes, "by laws made by persons, in whose elections they, from time to time, have a voice." This is an essential right. For nothing is more evident, than, that any people, who are subject to the unlimited power of another, must be in a state of abject slavery. It was easily and plainly foreseen, that the right of representation in the English Parliament, could not be exercised by the people of this colony. It would be impracticable, if consistent with the English constitution. And for this reason, that this colony might have and enjoy all the liberties and immunities of free and natural subjects within the realm, as stipulated in the charter, it was necessary, and a Legislative was accordingly constituted within the colony; one branch of which, consists of Representatives chosen by the people, to make all laws, statutes, ordinances, &c. for the well ordering and governing the same, not repugnant to the laws of England, or, as nearly as conveniently might be, agreeable to the fundamental laws of the English constitution. We are, therefore, still at a loss to conceive, where your Excellency finds it "provided in the same charter, that such acts," viz. acts of Parliament, made expressly to refer to us, "shall be in force" in this province. There is nothing to this purpose, ex-

pressed in the charter, or in our opinion, even implied in it. And surely it would be very absurd, that a charter, which is evidently formed upon a supposition and intention, that a colony is and should be considered as not within the realm; and declared by the very Prince who granted it, to be not within the jurisdiction of Parliament, should yet provide, that the laws which the same Parliament should make, expressly to refer to that colony, should be in force therein. Your Excellency is pleased to ask, "does it follow, that the government, by their (our ancestors) removal from one part of the dominion to another, loses its authority over that part to which they removed; and that they are freed from the subjection they were under before?" We answer, if that part of the King's dominions, to which they removed, was not then a part of the realm, and was never annexed to it, the Parliament lost no authority over it, having never had such authority; and the emigrations were consequently freed from the subjection they were under before their removal. The power and authority of Parliament, being constitutionally confined within the limits of the realm, and the nation collectively, of which alone it is the representing and Legislative Assembly. Your Excellency further asks, "will it not rather be said, that by this, their voluntary removal, they have relinquished, for a time, at least, one of the rights of an English subject, which they might, if they pleased, have continued to enjoy, and may again enjoy, whenever they return to the place where it can be exercised?" To which we answer; they never did relinquish the right to be governed by laws, made by persons in

whose election they had a voice. The King stipulated with them, that they should have and enjoy all the liberties of free and natural subjects, born within the realm, to all intents, purposes and constructions, whatsoever; that is, that they should be as free as those, who were to abide within the realm: consequently, he stipulated with them, that they should enjoy and exercise this most essential right, which discriminates freemen from vassals, uninterruptedly, in its full sense and meaning; and they did, and ought still to exercise it, without the necessity of returning, for the sake of exercising it, to the nation or state of England.

We cannot help observing, that your Excellency's manner of reasoning on this point, seems to us, to render the most valuable clauses in our charter unintelligible: as if persons going from the realm of England, to inhabit in America, should hold and exercise there a certain right of English subjects; but, in order to exercise it in such manner as to be of any benefit to them, they must *not inhabit* there, but return to the place where alone it can be exercised. By such construction, the words of the charter can have no sense or meaning. We forbear remarking upon the absurdity of a grant to persons born without the realm, of the same liberties which would have belonged to them, if they had been born within the realm.

Your Excellency is disposed to compare this government to the variety of corporations, formed within the kingdom, with power to make and execute by-laws, &c.; and, because they remain subject to the

supreme authority of Parliament, to infer, that this colony is also subject to the same authority: this reasoning appears to us not just. The members of those corporations are resident within the kingdom; and residence subjects them to the authority of Parliament, in which they are also represented; whereas the people of this colony are not resident within the realm. The charter was granted, with the express purpose to induce them to reside without the realm; consequently, they are not represented in Parliament there. But, we would ask your Excellency, are any of the corporations, formed within the kingdom, vested with the power of erecting other subordinate corporations? of enacting and determining what crimes shall be capital? and constituting courts of common law, with all their officers, for the hearing, trying and punishing capital offenders with death? These and many other powers vested in this government, plainly show, that it is to be considered as a corporation, in no other light, than as every state is a corporation. Besides, appeals from the courts of law here, are not brought before the House of Lords; which shows, that the peers of the realm, are not the peers of America: but all such appeals are brought before the King in council, which is a further evidence, that we are not within the realm.

We conceive enough has been said, to convince your Excellency, that, "when our predecessors first took possession of this plantation, or colony, by a grant and charter from the Crown of England, it *was not*, and never had been the sense of the kingdom, that they were to remain subject to the supreme

authority of Parliament. We will now, with your Excellency's leave, inquire what *was* the sense of our ancestors, of this very important matter.

And, as your Excellency has been pleased to tell us, you have not discovered, that the supreme authority of Parliament has been called in question, even by private and particular persons, until within seven or eight years past; except about the time of the anarchy and confusion in England, which preceded the restoration of King Charles the II. we beg leave to remind your Excellency of some parts of your own history of Massachusetts Bay. Therein we are informed of the sentiments of "persons of influence," after the restoration; from which, the historian tells us, some parts of their conduct, that is, of the General Assembly, "may be pretty well accounted for." By the history, it appears to have been the opinion of those persons of influence, "that the subjects of any prince or state, had a natural right to remove to any other state, or to another quarter of the world, unless the state was weakened or exposed by such remove; and, even in that case, if they were deprived of the right of all mankind, liberty of conscience, it would justify a separation, and upon their removal, their subjection determined and ceased." That "the country to which they had removed, was claimed and possessed by independent princes, whose right to the lordship and sovereignty thereof had been acknowledged by the Kings of England," an instance of which is quoted in the margin. "That they themselves had actually purchased, for valuable consideration, not only the soil, but the dominion, the lordship and sovereignty

of those princes;" without which purchase, "in the sight of God and men, they had no right or title to what they possessed." They had received a charter of incorporation from the King, from whence arose a new kind of subjection, namely, "a voluntary, civil subjection;" and by this compact, "they were to be governed by laws made by themselves." Thus it appears to have been the sentiments of private persons, though persons by whose sentiments the public conduct was influenced, that their removal was a justifiable separation from the mother state, upon which, their subjection to that state, determined and ceased. The supreme authority of Parliament, if it had then ever been asserted, must surely have been called in question, by men who had advanced such principles as these.

The first act of Parliament, made expressly to refer to the colonies, was after the restoration. In the reign of King Charles the II. several such acts passed. And the same history informs us, there was a difficulty in conforming to them; and the reason of this difficulty is explained in a letter of the General Assembly to their Agent, quoted in the following words; "they apprehended them to be an invasion of the rights, liberties and properties of the subjects of his Majesty, in the colony, they not being represented in Parliament, and according to the usual sayings of the learned in the law, the laws of England were bounded within the four seas, and did not reach America: However, as his Majesty had signified his pleasure, that those acts should be observed in the Massachusetts, they had made provision, by a law of the colony, that they

should be strictly attended."[1] Which provision, by a law of their own, would have been superfluous, if they had admitted the supreme authority of Parliament. In short, by the same history it appears, that those acts of Parliament, as such, were disregarded; and the following reason is given for it: "It seems to have been a general opinion, that acts of Parliament have no other force, than what they derived from acts made by the General Court, to establish and confirm them."

But, still further to show the sense of our ancestors, respecting this matter, we beg leave to recite some parts of a narrative, presented to the Lords of Privy Council, by Edward Randolph, in the year 1676, which we find in your Excellency's collection of papers lately published.[2] Therein[3] it is declared to be the sense of the colony, "that no law is in force or esteem there, but such as are made by the General Court; and, therefore, it is accounted a breach of their privileges, and a betraying of the liberties of their commonwealth, to urge the observation of the laws of England." And, further, "that no oath shall be urged, or required to be taken by any person, but such oath as the General Court hath considered, allowed and required." And, further, "there is no notice taken of the act of navigation, plantation or any other laws, made in England for the regulation of trade." "That the government would make the world believe, they

[1] T. Hutchinson, *History of the Province of Massachusetts Bay*, vol. i., p. 322.

[2] *A Collection of Original Papers Relative to the History of the Colony of Massachusetts Bay*. Boston, 1769. Reprinted by the Prince Society, 2 vols., Albany, 1865, under the title *The Hutchinson Papers*.

[3] *The Hutchinson Papers*, vol, ii., pp. 210 *et seq*.

are a free state, and do act in all matters accordingly." Again, "these magistrates ever reserve to themselves, a power to alter, evade and disannul any law or command, not agreeing with their humor, or the absolute authority of their government, acknowledging no superior." And, further, "he (the Governor) freely declared to me, that the laws made by your Majesty and your Parliament, obligeth them in nothing, but what consists with the interests of that colony; that the Legislative power and authority is, and abides in them solely." And in the same Mr. Randolph's letter to the Bishop of London, July 14, 1682, he says, "this independency in government is claimed and daily practised."[1] And your Excellency being then sensible, that this was the sense of our ancestors, in a marginal note, in the same collection of papers, observes, that, "this, viz. the provision made for observing the acts of trade, is very extraordinary, for this provision was an act of the colony, declaring the acts of trade shall be in force there." Although Mr. Randolph was very unfriendly to the colony, yet, as his declarations are concurrent with those recited from your Excellency's history, we think they may be admitted, for the purpose for which they are now brought.

Thus we see, from your Excellency's history and publications, the sense our ancestors had of the jurisdiction of Parliament, under the first charter. Very different from that, which your Excellency in your speech, apprehends it to have been.

It appears by Mr. Neal's History of New England, that the agents, who had been employed by the colony

[1] *The Hutchinson Papers*, vol. ii., p. 281.

to transact its affairs in England, at the time when the present charter was granted, among other reasons, gave the following for their acceptance of it, viz. "The General Court has, with the King's approbation, as much power in New England, as the King and Parliament have in England; they have all English privileges, and can be touched by no law, and by no tax but of their own making."[1] This is the earliest testimony that can be given of the sense our predecessors had of the supreme authority of Parliament, under the present charter. And it plainly shows, that they, who having been freely conversant with those who framed the charter, must have well understood the design and meaning of it, supposed that the terms in our charter, "full power and authority," intended and were considered as a sole and exclusive power, and that there was no "reserve in the charter, to the authority of Parliament, to bind the colony" by any acts whatever.

Soon after the arrival of the charter, viz. in 1692, your Excellency's history informs us,[2] "the first act" of this Legislative, was a sort of Magna Charta, asserting and setting forth their general privileges, and this clause was among the rest; "no aid, tax, tallage, assessment, custom, loan, benevolence, or imposition whatever, shall be laid, assessed, imposed, or levied on any of their Majesty's subjects, or their estates, on any pretence whatever, but by the act and consent of the Governor, Council, and Representatives of the people assembled in General Court." And though

[1] Daniel Neal, *History of New England.* London, 1720, vol. ii., p. 479.
[2] T. Hutchinson, *History of the Province of Massachusetts Bay*, vol, ii., p. 64.

this act was disallowed, it serves to show the sense which the General Assembly, contemporary with the granting the charter, had of their sole and exclusive right to legislate for the colony. The history says, "the other parts of the act were copied from Magna Charta;" by which, we may conclude that the Assembly then construed the words, "not repugnant to the laws," to mean, conformable to the fundamental principles of the English constitution. And it is observable, that the Lords of Privy Council, so lately as in the reign of Queen Anne, when several laws enacted by the General Assembly were laid before her Majesty for her allowance, interpreted the words in this charter, "not repugnant to the laws of England," by the words, "as nearly as conveniently may be agreeable to the laws and statutes of England." And her Majesty was pleased to disallow those acts, not because they were repugnant to any law or statute of England, made expressly to refer to the colony, but because divers persons, by virtue thereof, were punished, without being tried by their peers in the ordinary "courts of law," and "by the ordinary rules and known methods of justice," contrary to the express terms of Magna Charta, which was a statute in force at the time of granting the charter, and declaratory of the rights and liberties of the subjects within the realm.

You are pleased to say, that "our provincial or local laws have, in numerous instances, had relation to acts of Parliament, made to respect the plantations, and this colony in particular." The authority of the Legislature, says the same author who is

quoted by your Excellency, "does not extend so far as the fundamentals of the constitution. They ought to consider the fundamental laws as sacred, if the nation has not in very express terms, given them the power to change them. For the constitution of the state ought to be fixed; and since that was first established by the nation, which afterwards trusted certain persons with the Legislative power, the fundamental laws are excepted from their commission." Now the fundamentals of the constitution of this province, are stipulated in the charter; the reasoning, therefore, in this case, holds equally good. Much less, then, ought any acts or doings of the General Assembly, however numerous, to neither of which your Excellency has pointed us, which barely relate to acts of Parliament made to respect the plantations in general, or this colony in particular, to be taken as an acknowledgment of this people, or even of the Assembly, which inadvertently passed those acts, that we are subject to the supreme authority of Parliament; and with still less reason are the decisions in the executive courts to determine this point. If they have adopted that "as part of the rule of law," which, in fact, is not, it must be imputed to inattention or error in judgment, and cannot justly be urged as an alteration or restriction of the Legislative authority of the province.

Before we leave this part of your Excellency's speech, we would observe, that the great design of our ancestors in leaving the kingdom of England, was to be freed from a subjection to its spiritual laws and courts, and to worship God according to the

dictates of their consciences. Your Excellency, in your history observes, that their design was "to obtain for themselves and their posterity, the liberty of worshipping God in such manner as appeared to them most agreeable to the sacred scriptures." And the General Court themselves declared in 1651, that "seeing just cause to fear the persecution of the then Bishop, and high commission for not conforming to the ceremonies of those under their power, they thought it their safest course, to get to this outside of the world, out of their view and beyond their reach." But, if it had been their sense, that they were still to be subject to the supreme authority of Parliament, they must have known that their design might, and probably would be frustrated; that the Parliament, especially considering the temper of those times, might make what ecclesiastical laws they pleased, expressly to refer to them, and place them in the same circumstances with respect to religious matters, to be relieved from which, was the design of their removal; and we would add, that if your Excellency's construction of the clause in our present charter is just, another clause therein, which provides for liberty of conscience for all christians, except papists, may be rendered void by an act of Parliament made to refer to us, requiring a conformity to the rights and mode of worship in the church of England, or any other.

Thus we have endeavored to show the sense of the people of this colony under both charters; and, if there have been in any late instances a submission to acts of Parliament, it has been, in our opinion,

rather from inconsideration, or a reluctance at the idea of contending with the parent state, than from a conviction or acknowledgment of the Supreme Legislative authority of Parliament.

Your Excellency tells us, "you know of no line that can be drawn between the supreme authority of Parliament and the total independence of the colonies." If there be no such line, the consequence is, either that the colonies are the vassals of the Parliament, or that they are totally independent. As it cannot be supposed to have been the intention of the parties in the compact, that we should be reduced to a state of vassalage, the conclusion is, that it was their sense that we were thus independent. "It is impossible," your Excellency says, "that there should be two independent Legislatures in one and the same state." May we not then further conclude, that it was their sense, that the colonies were, by their charters, made distinct states from the mother country? Your Excellency adds, "for although there may be but one head, the King, yet the two Legislative bodies will make two governments as distinct as the kingdoms of England and Scotland, before the union." Very true, may it please your Excellency; and if they interfere not with each other, what hinders, but that being united in one head and common Sovereign, they may live happily in that connection, and mutually support and protect each other? Notwithstanding all the terrors which your Excellency has pictured to us as the effects of a total independence, there is more reason to dread the consequences of absolute uncontroled power, whether of

a nation or a monarch, than those of a total independence. It would be a misfortune "to know by experience, the difference between the liberties of an English colonist and those of the Spanish, French, and Dutch": and since the British Parliament has passed an act, which is executed even with rigor, though not voluntarily submitted to, for raising a revenue, and appropriating the same, without the consent of the people who pay it, and have claimed a power of making such laws as they please, to order and govern us, your Excellency will excuse us in asking, whether you do not think we already experience too much of such a difference, and have not reason to fear we shall soon be reduced to a worse situation than that of the colonies of France, Spain, or Holland?

If your Excellency expects to have the line of distinction between the supreme authority of Parliament, and the total independence of the colonies drawn by us, we would say it would be an arduous undertaking, and of very great importance to all the other colonies; and therefore, could we conceive of such a line, we should be unwilling to propose it, without their consent in Congress.

To conclude, these are great and profound questions. It is the grief of this House, that, by the ill policy of a late injudicious administration, America has been driven into the contemplation of them. And we cannot but express our concern, that your Excellency, by your speech, has reduced us to the unhappy alternative, either of appearing by our silence to acquiesce in your Excellency's sentiments, or of thus freely discussing this point.

After all that we have said, we would be far from being understood to have in the least abated that just sense of allegiance which we owe to the King of Great Britain, our rightful Sovereign; and should the people of this province be left to the free and full exercise of all the liberties and immunities granted to them by charter, there would be no danger of an independence on the Crown. Our charters reserve great power to the Crown in its Representative, fully sufficient to balance, analogous to the English constitution, all the liberties and privileges granted to the people. All this your Excellency knows full well; and whoever considers the power and influence, in all their branches, reserved by our charter, to the Crown, will be far from thinking that the Commons of this province are too independent.

THE COMMITTEE OF CORRESPONDENCE OF BOSTON TO THE COMMITTEE OF CORRESPONDENCE OF LYNN.[1]

[MS., Committee of Correspondence Papers, Lenox Library.]

BOSTON Feb^{ry} 9 1773

S^{RS}

The Committee of Correspondence have now before them the Letter of the Town of Lynn, & will, agreable to their desire, lay it before this Town. We heartily joyn with you in wishing the glorious spirit of Liberty which now animates the Inhabitants of this Province shall be diffused through the Colonies, & happily Effect the restoration of their Rights, which are cruelly ravishd from them.

[1] Addressed to Ebenezer Burrill, town clerk.

TO DARIUS SESSIONS.[1]

[MS., Samuel Adams Papers, Lenox Library.]

[February ——, 1773.]

SIR

As I am informd the Commissioners are all now in Newport, and your Assembly is to meet this day I am anxious to know precisely the Steps that are or shall be taken by each. I hope your Governor will not think it proper for him *to act* in the Commission if the others should determine so to do. Will it not be construed as conceding on his part to the Legality of it? Every Movement on the Side of the Commissioners & the Assembly must be important. I trust no Concessions will be made on your part which shall have the remotest tendency to fix a precedent; for if it is once establishd, a thousand Commissions of the like arbitrary kind may be introducd to the utter ruin of your free Constitution. The promoters of ministerial measures in this Town are pleasd to hear from one of the Commissioners that they are treated with great respect: Even common Civility will be thus colourd to serve the great purpose. Will it not be necessary at all Events for the Assembly to enter a protest on their Journal against so unconstitutional a proceeding. This is the Sentiment of a Gentleman here whose Judgment I very much regard. Such has been the constant practice of the Assembly of this province in like Cases, for some years past. You will see by our Governors Speech what Use is made of Mistakes of this Sort; they are even improved as

[1] See above, page 389, note.

Arguments of our having voluntarily consented to be the Vassals of the British Parliament. Indeed the Doctrine he has advancd strikes at the root of every civil Constitution in America. If it be admissible, *you* have no just Cause to complain of the present Measure for it is founded upon the Authority of that parliament, to the Jurisdiction of which notwithstanding your Charter, you remain subject.

I shall receive a Letter from you by the return of the post if your Attention to the publick Affairs will admit of it, as a great favor. In the mean time I beg you to excuse this hasty Scrawl & believe me to be &c

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR. FEBRUARY 12, 1773.[1]

[*Massachusetts State Papers*, pp. 366, 367; printed also in the *Gentleman's Magazine*, vol. xliii., pp. 198, 199.]

May it please your Excellency,

Your message of the 4th instant,[2] informs this House, that his Majesty has been pleased to order that salaries shall be allowed to the Justices of the Superior Court of this province.

We conceive that no Judge, who has a due regard to justice, or even to his own character, would choose to be placed under such an undue bias as they must be under, in the opinion of this House, by accepting

[1] Stated to have been written by Adams, in W. V. Wells, *Life of Samuel Adams*, vol. ii., p. 47, but with no authority given.

[2] *Massachusetts State Papers*, pp. 365, 366.

of, and becoming dependent for their salaries upon the Crown.

Had not his Majesty been misinformed, with respect to the constitution and appointment of our Judges, by those who advised to this measure, we are persuaded, he would never have passed such an order; as he was pleased to declare, upon his accession to the throne, that "he looked upon the independence and uprightness of the Judges, as essential to the impartial administration of justice, as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honor of the Crown."

Your Excellency's precaution to prevent all claim from the province for any services, for which the Justices may also be entitled to a salary from the King, is comparatively, of very small consideration with us.

When we consider the many attempts that have been made, effectually to render null and void those clauses in our charter, upon which the freedom of our constitution depends, we should be lost to all public feeling, should we not manifest a just resentment. We are more and more convinced, that it has been the design of administration, totally to subvert the constitution, and introduce an arbitrary government into this province; and we cannot wonder that the apprehensions of this people are thoroughly awakened.

We wait with impatience to know, and hope your Excellency will very soon be able to assure us, that the Justices will utterly refuse ever to accept of support, in a manner so justly obnoxious to the

disinterested and judicious part of the good people of this province, being repugnant to the charter, and utterly inconsistent with the safety of the rights, liberties and properties of the people.

TO JOHN ADAMS.[1]

[MS., Adams Papers, Quincy, Mass.; a facsimile is in *Works of John Adams*, vol. ii., p. 310.]

MY DEAR SIR

If you have had Leisure to commit your Thoughts to writing agreable to my request I shall be obligd if you will send them by the Bearer. The Govr says the House have *incautiously* applied a rule of the Common Law [2] (see the 4th Coll. of his Speech). The Assertion is *mine*, upon *your* Authority as I thought. If it be vindicable, pray give me your Aid in that as briefly as you please. I am sorry to trouble you at a time when I know you must be much engagd but to tell you a Secret, if there be a Lawyer in the house in Major Hawleys Absence, there is no one whom I incline to confide in.

Monday Ev^g

[1] Presumably written on February 22 or March 1, 1773. Cf. W. V. Wells, *Life of Samuel Adams*, vol. ii., p. 41.

[2] Speech of February 16, 1773. *Massachusetts State Papers*, p. 374. See *ibid.*, p. 387.

THE HOUSE OF REPRESENTATIVES OF MASSACHUSETTS TO THE GOVERNOR. MARCH 2, 1773.[1]

[*Massachusetts State Papers*, pp. 384–396; printed also in the *Boston Gazette*, March 8, 1773, and in *The Speeches of His Excellency Governor Hutchinson*, pp. 90–113.]

May it please your Excellency,

In your speech, at the opening of the present session[2], your Excellency expressed your displeasure, at some late proceedings of the town of Boston, and other principal towns in the province. And, in another speech [3] to both Houses, we have your repeated exceptions at the same proceedings, as being "unwarrantable," and of a dangerous nature and tendency; "against which, you thought yourself bound to call upon us to join with you in bearing a proper testimony." This House have not discovered any principles advanced by the town of Boston, that are unwarrantable by the constitution; nor does it appear to us, that they have "invited every other town and district in the province, to adopt their principles." We are fully convinced, that it is our duty to bear our testimony against "innovations, of a dangerous nature and tendency;" but, it is clearly our opinion, that it is the indisputable right of all, or any of his Majesty's subjects, in this province, regularly and orderly to meet together, to state the grievances they labor

[1] Hutchinson is the principal authority for the statement that this document, as well as that of January 26, 1773, was prepared by Adams. *Cf.*, R. Frothingham, *Life of Joseph Warren*, p. 223. W. V. Wells, *Life of Samuel Adams*, vol. ii., p. 45. An instance of the later recognition of this claim is in *Publications*, Colonial Society of Massachusetts, vol. vi., p. 170. And see also above, pages 401, 430.

[2] *Massachusetts State Papers*, p. 338.

[3] *Ibid.*, pp. 368–381. February 16.

under; and, to propose, and unite in such constitutional measures, as they shall judge necessary or proper, to obtain redress. This right has been frequently exercised by his Majesty's subjects within the realm; and, we do not recollect an instance, since the happy revolution, when the two Houses of Parliament have been called upon to discountenance, or bear their testimony against it, in a speech from the throne.

Your Excellency is pleased to take notice of some things, which we "allege," in our answer to your first speech; and, the observation you make, we must confess, is as natural, and undeniably true, as any one that could have been made; that, "if our foundation shall fail us in every part of it, the fabric we have raised upon it, must certainly fall." You think this foundation will fail us; but, we wish your Excellency had condescended to a consideration of what we have "adduced in support of our principles." We might then, perhaps, have had some things offered for our conviction, more than bare affirmations; which, we must beg to be excused, if we say, are far from being sufficient, though they came with your Excellency's authority, for which, however, we have a due regard.

Your Excellency says, that, "as English subjects, and agreeable to the doctrine of the feudal tenure, all our lands are held mediately, or immediately, of the Crown." We trust, your Excellency does not mean to introduce the feudal system in its perfection; which, to use the words of one of our greatest historians, was "a state of perpetual war, anarchy, and confusion, calculated solely for defence against the assaults

of any foreign power; but, in its provision for the interior order and tranquillity of society, extremely defective. A constitution, so contradictory to all the principles that govern mankind, could never be brought about, but by foreign conquest or native usurpation." And, a very celebrated writer calls it, "that most iniquitous and absurd form of government, by which human nature was so shamefully degraded." This system of iniquity, by a strange kind of fatality, "though originally formed for an encampment, and for military purposes only, spread over a great part of Europe;" and, to serve the purposes of oppression and tyranny, "was adopted by princes, and wrought into their civil constitutions;" and, aided by the canon law, calculated by the Roman Pontiff, to exalt himself above all that is called God, it prevailed to the almost utter extinction of knowledge, virtue, religion, and liberty from that part of the earth. But, from the time of the reformation, in proportion as knowledge, which then darted its rays upon the benighted world, increased, and spread among the people, they grew impatient under this heavy yoke; and the most virtuous and sensible among them, to whose steadfastness, we, in this distant age and climate, are greatly indebted, were determined to get rid of it; and, though they have in a great measure subdued its power and influence in England, they have never yet totally eradicated its principles.

Upon these principles, the King claimed an absolute right to, and a perfect estate in, all the lands within his dominions; but, how he came by this

absolute right and perfect estate, is a mystery which we have never seen unravelled, nor is it our business or design, at present, to inquire. He granted parts or parcels of it to his friends, the great men, and they granted lesser parcels to their tenants. All, therefore, derived their right and held their lands, upon these principles, mediately or immediately of the King; which Mr. Blackstone, however, calls, "in reality, a mere fiction of our English tenures."

By what right, in nature and reason, the christian princes in Europe, claimed the lands of heathen people, upon a discovery made by any of their subjects, is equally mysterious. Such, however, was the doctrine universally prevailing, when the lands in America were discovered; but, as the people of England, upon those principles, held all the lands they possessed, by grants from the King, and the King had never granted the lands in America to them, it is certain they could have no sort of claim to them. Upon the principles advanced, the lordship and dominion, like that of the lands in England, was in the King solely; and a right from thence accrued to him, of disposing such territories, under such tenure, and for such services to be performed, as the King or Lord thought proper. But how the grantees became subjects of England, that is, the supreme authority of the Parliament, your Excellency has not explained to us. We conceive that upon the feudal principles, all power is in the King; they afford us no idea of Parliament. "The Lord was in early times, the Legislator and Judge over all his feudatories," says Judge Blackstone. By the struggle for liberty

in England, from the days of King John, to the last happy revolution, the constitution has been gradually changing for the better; and upon the more rational principles, that all men, by nature, are in a state of equality in respect of jurisdiction and dominion, power in England has been more equally divided. And thus, also in America, though we hold our lands agreeably to the feudal principles of the King; yet our predecessors wisely took care to enter into compact with the King, that power here should also be equally divided, agreeable to the original fundamental principles of the English constitution, declared in Magna Charta, and other laws and statutes of England, made to confirm them.

Your Excellency says, "you can by no means concede to us that it is now, or was, when the plantations were first granted, the prerogative of the Kings of England, to constitute a number of new governments, altogether independent of the sovereign authority of the English empire." By the feudal principles, upon which you say "all the grants which have been made of America, are founded, the constitutions of the Emperor, have the force of law." If our government be considered as merely feudatory, we are subject to the King's absolute will, and there is no authority of Parliament, as the sovereign authority of the British empire. Upon these principles, what could hinder the King's constituting a number of independent governments in America? That King Charles the I. did actually set up a government in this colony, conceding to it powers of making and executing laws, without any reservation to the English Parliament, of

authority to make future laws binding therein, is a fact which your Excellency has not disproved, if you have denied it. Nor have you shewn that the Parliament or nation objected to it; from whence we have inferred that it was an acknowledged right. And we cannot conceive, why the King has not the same right to alienate and dispose of countries acquired by the discovery of his subjects, as he has to "restore, upon a treaty of peace, countries which have been acquired in war," carried on at the charge of the nation; or to "sell and deliver up any part of his dominions to a foreign Prince or state, against the general sense of the nation;" which is "an act of power," or prerogative, which your Excellency allows. You tell us, that, "when any new countries are discovered by English subjects, according to the general law and usage of nations, they become part of the state. The law of nations is, or ought to be, founded on the law of reason. It was the saying of Sir Edwin Sandis, in the great case of the union of the realm of Scotland with England, which is applicable to our present purpose, that "there being no precedent for this case in the law, the law is deficient; and the law being deficient, recourse is to be had to custom; and custom being insufficient, we must recur to natural reason;" the greatest of all authorities, which, he adds, "is the law of nations." The opinions, therefore, and determinations of the greatest Sages and Judges of the law in the Exchequer Chamber, ought not to be considered as decisive or binding, in our present controversy with your Excellency, any further, than they are consonant to natural reason. If,

however, we were to recur to such opinions and determinations, we should find very great authorities in our favor, to show, that the statutes of England are not binding on those who are not represented in Parliament there. The opinion of Lord Coke, that Ireland was bound by statutes of England, wherein they were named, if compared with his other writings, appears manifestly to be grounded upon a supposition, that Ireland had, by an act of their own, in the reign of King John, consented to be thus bound; and, upon any other supposition, this opinion would be against reason; for consent only gives human laws their force. We beg leave, upon what your Excellency has observed of the colony becoming a part of the state, to subjoin the opinions of several learned civilians, as quoted by a very able lawyer in this country. "Colonies," says Puffendorf, "are settled in different methods; for, either the colony continues a part of the Commonwealth it was set out from, or else is obliged to pay a dutiful regard to the mother Commonwealth, and to be in readiness to defend and vindicate its honor, and so is united by a sort of unequal confederacy; or, lastly, is erected into a separate Commonwealth and assumes the same rights, with the state it descended from." And, King Tullius, as quoted by the same learned author, from Grotius, says, "we look upon it to be neither truth nor justice, that mother cities, ought, of necessity, and by the law of nature, to rule over the colonies."

Your Excellency has misinterpreted what we have said, "that no country, by the common law, was sub-

ject to the laws or the Parliament, but the realm of England;" and, are pleased to tell us, "that we have expressed ourselves incautiously."[1] We beg leave to recite the words of the Judges of England, in the before mentioned case, to our purpose. "If a King go out of England with a company of his servants, allegiance remaineth among his subjects and servants, although he be out of his realm, whereto his laws are confined." We did not mean to say, as your Excellency would suppose, that "the common law prescribes limits to the extent of the Legislative power," though, we shall always affirm it to be true, of the law of reason and natural equity. Your Excellency thinks, you have made it appear, that the "colony of Massachusetts Bay is holden as feudatory of the imperial Crown of England;" and, therefore, you say, "to use the words of a very great authority in a case, in some respects analogous to it," being feudatory, it necessarily follows, that "it is under the government of the King's laws." Your Excellency has not named this authority; but, we conceive his meaning must be, that being feudatory, it is under the government of the King's laws absolutely; for, as we have before said, the feudal system admits of no idea of the authority of Parliament; and this would have been the case of the colony, but for the compact with the King in the charter.

Your Excellency says, that "persons thus holding under the Crown of England, remain, or become subjects of England," by which, we suppose your Excellency to mean, subject to the supreme authority of

[1] See above, page 430.

Parliament, "to all intents and purposes, as fully, as if any of the royal manors, &c. within the realm, had been granted to them upon the like tenure." We apprehend, with submission, your Excellency is mistaken in supposing that our allegiance is due to the Crown of England. Every man swears allegiance for himself, to his own King, in his natural person. "Every subject is presumed by law to be sworn to the King, which is to his natural person," says Lord Coke. Rep. on Calvin's case.[1] "The allegiance is due to his natural body;" and, he says, "in the reign of Edward II. the Spencers, the father and the son, to cover the treason hatched in their hearts, invented this damnable and damned opinion, that homage and oath of allegiance was more by reason of the King's Crown, that is, of his politic capacity, than by reason of the person of the King; upon which opinion, they inferred execrable and detestable consequents." The Judges of England, all but one, in the case of the union between Scotland and England, declared, that "allegiance followeth the natural person, not the politic;" and, "to prove the allegiance to be tied to the body natural of the King, and not to the body politic, the Lord Coke cited the phrases of divers statutes, mentioning our natural liege Sovereign." If, then, the homage and allegiance is not to the body politic of the King, then it is not to him as the head, or any part of that Legislative authority, which your Excellency says, "is equally extensive with the

[1] *Rep.* 1. (1608). Referred to as "the leading case" on the subject as recently as 1897. *United States* v. *Wong Kim Ark*, 169 United States Reports, 649.

authority of the Crown throughout every part of the dominion ;" and your Excellency's observations thereupon, must fail. The same Judges mention the allegiance of a subject to the Kings of England, who is out of the reach and extent of the laws of England, which is perfectly reconcileable with the principles of our ancestors, quoted before from your Excellency's history, but, upon your Excellency's principles, appears to us to be an absurdity. The Judges, speaking of a subject, say, "although his birth was out of the bounds of the kingdom of England, and out of the reach and extent of the laws of England, yet, if it were within the allegiance of the King of England, &c. Normandy, Aquitain, Gascoign, and other places, within the limits of France, and, consequently, out of the realm or bounds of the kingdom of England, were in subjection to the Kings of England." And the Judges say, "*Rex et Regnum*, be not so relatives, as a King can be King but of one kingdom, which clearly holdeth not, but that his kingly power extending to divers nations and kingdoms, all owe him equal subjection, and are equally born to the benefit of his protection ; and, although he is to govern them by their distinct laws, yet any one of the people coming into the other, is to have the benefit of the laws, wheresoever he cometh." So they are not to be deemed aliens, as your Excellency in your speech supposes, in any of the dominions, all which accords with the principles our ancestors held. "And he is to bear the burden of taxes of the place where he cometh, but living in one, or for his livelihood in one, he is not to be taxed in the other, be-

cause laws ordain taxes, impositions, and charges, as a discipline of subjection, particularized to every particular nation." Nothing, we think, can be more clear to our purpose than this decision of Judges, perhaps as learned, as ever adorned the English nation, or in favor of America, in her present controversy with the mother state.

Your Excellency says, that, by "our not distinguishing between the Crown of England, and the Kings and Queens of England, in their personal or natural capacities, we have been led into a fundamental error." Upon this very distinction we have availed ourselves. We have said, that our ancestors considered the land, which they took possession of in America, as out of the bounds of the kingdom of England, and out of the reach and extent of the laws of England; and, that the King also, even in the act of granting the charter, considered the territory as not within the realm; that the King had an absolute right in himself to dispose of the lands, and that this was not disputed by the nation; nor could the lands, on any solid grounds, be claimed by the nation; and, therefore, our ancestors received the lands, by grant, from the King; and, at the same time, compacted with him, and promised him homage and allegiance, not in his public or politic, but natural capacity only. If it be difficult for us to show how the King acquired a title to this country in his natural capacity, or separate from his relation to his subjects, which we confess, yet we conceive, it will be equally difficult for your Excellency to show how the body politic and nation of England acquired it. Our ancestors

supposed it was acquired by neither; and, therefore, they declared, as we have before quoted from your history, that saving their actual purchase from the natives, of the soil, the dominion, the lordship, and sovereignty, they had in the sight of God and man, no right and title to what they possessed. How much clearer then, in natural reason and equity, must our title be, who hold estates dearly purchased at the expense of our own, as well as our ancestors labor, and defended by them with treasure and blood.

Your Excellency has been pleased to confirm, rather than deny or confute, a piece of history, which, you say, we took from an anonymous pamphlet, and by which you "fear we have been too easily misled." It may be gathered from your own declaration, and other authorities, besides the anonymous pamphlet, that the House of Commons took exception, not at the King's having made an absolute grant of the territory, but at the claim of an exclusive right to the fishery on the banks and sea coast, by virtue of the patent. At this you say, "the House of Commons was alarmed, and a bill was brought in for allowing a free fishery." And, upon this occasion, your Excellency allows, that "one of the Secretaries of State declared, that the plantations were not annexed to the Crown, and so were not within the jurisdiction of Parliament." If we should concede to what your Excellency supposes might possibly or "perhaps," be the case, that the Secretary made this declaration, "as his own opinion," the event showed that it was the opinion of the King too; for it is not to be accounted for upon any other principle, that he

would have denied his royal assent to a bill, formed for no other purpose, but to grant his subjects in England, the privilege of fishing on the sea coasts in America. The account published by Sir Ferdinando Gorges himself, of the proceedings of Parliament on this occasion, your Excellency thinks, will remove all doubt, of the sense of the nation, and of the patentees of this patent or charter, in 1620. "This narrative," you say, "has all the appearance of truth and sincerity," which we do not deny; and, to us, it carries this conviction with it, that "what was objected" in Parliament, was the exclusive claim of fishing only. His imagining that he had satisfied the House, after divers attendances, that the planting a colony was of much more consequence than a simple disorderly course of fishing, is sufficient for our conviction. We know that the nation was at that time alarmed with apprehensions of monopolies; and, if the patent of New England was presented by the two Houses as a grievance, it did not show, as your Excellency supposes, "the sense they then had of their authority over this new acquired territory," but only their sense of the grievance of a monopoly of the sea.

We are happy to hear your Excellency say, that "our remarks upon, and construction of the words, not repugnant to the laws of England, are much the same with those of the Council." It serves to confirm us in our opinion, in what we take to be the most important matter of difference between your Excellency and the two Houses. After saying, that the statute of 7th and 8th of William and Mary

favors the construction of the words, as intending such laws of England as are made more immediately to respect us, you tell us, that "the province Agent, Mr. Dummer, in his much applauded defence, says, that, then a law of the plantations may be said to be repugnant to a law made in Great Britain, when it flatly contradicts it, so far as the law made there, mentions and relates to the plantations."[1] This is plain and obvious to common sense, and, therefore, cannot be denied. But, if your Excellency would read a page or two further in that excellent defence,[2] you will see that he mentions this as the sense of the phrase, as taken from an act of Parliament, rather than as the sense he would choose himself to put upon it; and, he expressly designs to show, in vindication of the charter, that, in that sense of the words, there never was a law made in the plantations repugnant to the laws of Great Britain. He gives another construction, much more likely to be the true intent of the words, namely, "that the patentees shall not presume, under color of their particular charters, to make any laws inconsistent with the great charter, and other laws of England, by which the lives, liberties, and properties of Englishmen are secured."[3] This is the sense in which our ancestors understood the words; and, therefore, they are unwilling to conform to the acts of trade, and disregarded them till they made provision to give them force in the colony, by a law of their own; saying, that "the laws of England did not reach America;

[1] Jer. Dummer, *A Defence of the New England Charters.* London, 1721, p. 57. [2] *Ibid.*, pp. 58, 59. [3] *Ibid.*, p. 59.

and those acts were an invasion of their rights, liberties, and properties," because they were not "represented in Parliament." The right of being governed by laws, which were made by persons, in whose election they had a voice, they looked upon as the foundation of English liberties. By the compact with the King, in the charter, they were to be as free in America, as they would have been if they had remained within the realm; and, therefore, they freely asserted, that they "were to be governed by laws made by themselves, and by officers chosen by themselves." Mr. Dummer says, "it seems reasonable enough to think that the Crown," and, he might have added, our ancestors, "intended by this injunction to provide for all its subjects, that they might not be oppressed by arbitrary power; but being still subjects, they should be protected by the same mild laws, and enjoy the same happy government, as if they continued within the realm."[1] And, considering the words of the charter in this light, he looks upon them as designed to be a fence against oppression and despotic power. But the construction which your Excellency puts upon the words, reduces us to a state of vassalage, and exposes us to oppression and despotic power, whenever a Parliament shall see fit to make laws for that purpose, and put them in execution.

We flatter ourselves, that, from the large extracts we have made from your Excellency's history of the colony, it appears evidently, that under both charters, it hath been the sense of the people and of the

[1] Jer. Dummer, *A Defence of the New England Charters*. London, 1721, pp. 59, 60. The quotation is abridged.

government, that they were not under the jurisdiction of Parliament. We pray you again to turn to those quotations, and our observations upon them; and we wish to have your Excellency's judicious remarks. When we adduced that history, to prove that the sentiments of private persons of influence, four or five years after the restoration, were very different from what your Excellency apprehended them to be, when you delivered your speech, you seem to concede to it, by telling us, "it was, as you take it, from the principles imbibed in those times of anarchy, (preceding the restoration,) that they disputed the authority of Parliament;" but, you add, "the government would not venture to dispute it." We find in the same history,[1] a quotation from a letter of Mr. Stoughton, dated seventeen years after the restoration, mentioning "the country's not taking notice of the acts of navigation, to observe them." And it was, as we take it, after that time, that the government declared, in a letter to their Agents, that they had not submitted to them; and they ventured to "dispute" the jurisdiction, asserting, that they apprehended the acts to be an invasion of the rights, liberties, and properties of the subjects of his Majesty in the colony, they not being represented in Parliament, and that "the laws of England did not reach America." It very little avails in proof, that they conceded to the supreme authority of Parliament, their telling the Commissioners, "that the act of navigation had for some years before, been observed here; that they

[1] T. Hutchinson, *History of the Province of Massachusetts Bay*, vol. i., p. 319.

knew not of its being greatly violated; and that, such laws as appeared to be against it, were repealed." It may as truly be said now, that the revenue acts are observed by some of the people of this province; but it cannot be said that the government and people of this province have conceded, that the Parliament had authority to make such acts to be observed here. Neither does their declaration to the Commissioners, that such laws as appeared to be against the act of navigation, were repealed, prove their concession of the authority of Parliament, by any means, so much as their making provision for giving force to an act of Parliament within this province, by a deliberate and solemn act or law of their own, proves the contrary.

You tell us, that "the government, four or five years before the charter was vacated, more explicitly," that is, than by a conversation with the Commissioners, "acknowledged the authority of Parliament, and voted, that their Governor should take the oath required of him, faithfully to do and perform all matters and things enjoined him by the acts of trade." But does this, may it please your Excellency, show their explicit acknowledgment of the authority of Parliament? Does it not rather show directly the contrary? For, what could there be for their vote, or authority, to require him to take the oath already required of him, by the act of Parliament, unless both he, and they, judge that an act of Parliament was not of force sufficient to bind him to take such oath? We do not deny, but, on the contrary, are fully persuaded, that your Excellency's principles in governments are

still of the same with what they appear to be in the history; for, you there say, that "the passing this law, plainly shows the wrong sense they had of the relation they stood in to England." But we are from hence convinced, that your Excellency, when you wrote the history, was of our mind in this respect, that our ancestors, in passing the law, discovered their opinion, that they were without the jurisdiction of Parliament; for it was upon this principle alone, they shewed the wrong sense they had in your Excellency's opinion, of the relation they stood in to England.

Your Excellency, in your second speech, condescends to point out to us the acts and doings of the General Assembly, which relates to acts of Parliament, which, you think, "demonstrates that they have been acknowledged by the Assembly, or submitted to by the people;" neither of which, in our opinion, shows that it was the sense of the nation, and our predecessors, when they first took possession of this plantation, or colony, by a grant and charter from the Crown, that they were to remain subject to the supreme authority of the English Parliament.

Your Excellency seems chiefly to rely upon our ancestors, after the revolution, "proclaiming King William and Queen Mary, in the room of King James," and taking the oaths to them, "the alteration of the form of oaths, from time to time," and finally, "the establishment of the form, which every one of us has complied with, as the charter, in express terms requires, and makes our duty." We do not know that it has ever been a point in dispute, whether the Kings of England were *ipso facto* Kings in, and over, this colony,

or province. The compact was made between King Charles the I. his heirs and successors, and the Governor and company, their heirs and successors. It is easy, upon this principle, to account for the acknowledgment of, and submission to King William and Queen Mary, as successors of Charles the I. in the room of King James; besides, it is to be considered, that the people in the colony, as well as in England, had suffered under the tyrant James, by which, he had alike forfeited his right to reign over both. There had been a revolution here, as well as in England. The eyes of the people here, were upon William and Mary; and the news of their being proclaimed in England, was, as your Excellency's history tells us, "the most joyful news ever received in New England."[1] And, if they were not proclaimed here, "by virtue of an act of the colony," it was, as we think may be concluded from the tenor of your history, with the general or universal consent of the people, as apparently, as if "such act had passed." It is consent alone, that makes any human laws binding; and as a learned author observes, a purely voluntary submission to an act, because it is highly in our favor and for our benefit, is in all equity and justice, to be deemed as not at all proceeding from the right we include in the Legislators, that they, thereby obtain an authority over us, and that ever hereafter, we must obey them of duty. We would observe, that one of the first acts of the General Assembly of this province, since the present charter, was an act, requiring the

[1] T. Hutchinson, *History of the Province of Massachusetts Bay*, vol. i., p. 387.

taking the oaths mentioned in an act of Parliament, to which you refer us. For what purpose was this act of the Assembly passed, if it was the sense of the Legislators that the act of Parliament was in force in the province? And, at the same time, another act was made for the establishment of other oaths necessary to be taken; both which acts have the royal sanction, and are now in force. Your Excellency says, that when the colony applied to King William for a second charter, they knew the oath the King had taken, which was to govern them according to the statutes in Parliament, and (which your Excellency here omits,) the laws and customs of the same. By the laws and customs of Parliament, the people of England freely debate and consent to such statutes as are made by themselves, or their chosen Representatives. This is a law, or custom, which all mankind may justly challenge as their inherent right. According to this law, the King has an undoubted right to govern us. Your Excellency, upon recollection, surely will not infer from hence, that it was the sense of our predecessors that there was to remain a supremacy in the English Parliament, or a full power and authority to make laws binding upon us, in all cases whatever, in that Parliament where we cannot debate and deliberate upon the necessity or expediency of any law, and, consequently, without our consent; and, as it may probably happen, destructive of the first law of society, the good of the whole. You tell us, that "after the assumption of all the powers of government, by virtue of the new charter, an act passed for the reviving, for a limited time, all the

local laws of the Massachusetts Bay and New Plymouth respectively, not repugnant to the laws of England. And, at the same session, an act passed establishing naval officers, that all undue trading, contrary to an act of Parliament, may be prevented." Among the acts that were then revived, we may reasonably suppose, was that, whereby provision was made to give force to this act of Parliament, in the province. The establishment, therefore, of the naval officers, was to aid the execution of an act of Parliament, for the observance of which, within the colony, the Assembly had before made provision, after free debates, with their own consent, and by their own act.

The act of Parliament, passed in 1741,[1] for putting an end to several unwarrantable schemes, mentioned by your Excellency, was designed for the general good; and, if the validity of it was not disputed, it cannot be urged as a concession of the supreme authority, to make laws binding on us in all cases whatever. But, if the design of it was for the general benefit of the province, it was, in one respect, at least greatly complained of, by the persons more immediately affected by it; and to remedy the inconvenience, the Legislative of this province, passed an act, directly militating with it; which is the strongest evidence, that although they may have submitted, *sub silentio*, to some acts of Parliament, that they conceived might operate for their benefit, they did not conceive themselves bound by any of its acts, which, they judged, would operate to the injury even of individuals.

[1] 14 Geo. II., chap. 37.

Your Excellency has not thought proper, to attempt to confute the reasoning of a learned writer on the laws of nature and nations, quoted by us, on this occasion, to shew that the authority of the Legislature does not extend so far as the fundamentals of the constitution. We are unhappy in not having your remarks upon the reasoning of that great man; and, until it is confuted, we shall remain of the opinion, that the fundamentals of the constitution being excepted from the commission of the Legislators, none of the acts or doings of the General Assembly, however deliberate and solemn, could avail to change them, if the people have not, in very express terms, given them the power to do it; and, that much less ought their acts and doings, however numerous, which barely refer to acts of Parliament made expressly to relate to us, to be taken as an acknowledgment, that we are subject to the supreme authority of Parliament.

We shall sum up our own sentiments in the words of that learned writer, Mr. Hooker, in his Ecclesiastical Policy, as quoted by Mr. Locke. "The lawful power of making laws to command whole political societies of men, belonging so properly to the same entire societies, that for any prince or potentate of what kind soever, to exercise the same of himself, and not from express commission, immediately and personally received from God, is no better than mere tyranny. Laws, therefore, they are not, which public approbation hath not made so; for human laws, of what kind soever, are available by consent." "Since men, naturally, have no full and perfect power to command whole politic multitudes of men, therefore,

utterly without our consent, we could in such sort, be at no man's commandment living. And to be commanded, we do not consent, when that society, whereof we be a party, hath at any time before consented." We think your Excellency has not proved, either that the colony is a part of the politic society of England, or that it has ever consented that the Parliament of England or Great Britain, should make laws binding upon us, in all cases, whether made expressly to refer to us or not.

We cannot help, before we conclude, expressing our great concern, that your Excellency has thus repeatedly, in a manner, insisted upon our free sentiments on matters of so delicate a nature and weighty importance. The question appears to us, to be no other, than, whether we are the subjects of absolute unlimited power, or of a free government, formed on the principles of the English constitution. If your Excellency's doctrine be true, the people of this province hold their lands of the Crown and people of England; and their lives, liberties, and properties, are at their disposal, and that, even by compact and their own consent. They were subject to the King as the head *alterius populi* of another people, in whose Legislative they have no voice or interest. They are, indeed, said to have a constitution and a Legislative of their own; but your Excellency has explained it into a mere phantom; limited, controled, superseded, and nullified, at the will of another. Is this the constitution which so charmed our ancestors, that, as your Excellency has informed us, they kept a day of solemn thanksgiving to Almighty God when they received

it? And were they men of so little discernment, such children in understanding, as to please themselves with the imagination, that they were blessed with the same rights and liberties which natural born subjects in England enjoyed, when, at the same time, they had fully consented to be ruled and ordered by a Legislative, a thousand leagues distant from them, which cannot be supposed to be sufficiently acquainted with their circumstances, if concerned for their interest, and in which, they cannot be in any sense represented?

END OF VOLUME II.

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